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**Behind  
the Scenes  
at the**

# BBFC



when no child under 10 is present

*S. J. Harris*  
President.



McGraw  
Hill  
Examiners



**Film Classification  
from the Silver Screen  
to the Digital Age**



**Edited by Edward Lamberti**

**FILM HAS I**





# BEHIND THE SCENES AT THE BBFC

FILM CLASSIFICATION FROM THE SILVER SCREEN TO THE DIGITAL AGE

EDITED BY EDWARD LAMBERTI

ASSOCIATE EDITORS

JASON GREEN, DAVID HYMAN, CRAIG LAPPER, KAREN MYERS



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# FOREWORD

Mark Kermode

---

From its birth at the end of the nineteenth century, cinema has attracted the attentions of authorities who have recognised the medium's popularity and potency, and have feared for the safety of its patrons. In the early days it was the flammability of nitrate film stock which first gave local authorities in Britain the power to regulate picture houses, with the Home Secretary acting against fire hazards rather than moral mazes through the introduction of the Cinematograph Act in 1909. Soon, attention turned from the volatile substances from which film was made to the allegedly 'dangerous' messages they contained, and the regulation, classification and censorship of movies became an integral part of the cinema business.

There is an age-old adage, familiar to those in the classification trade, which states that it is the inevitable fate of any censor to appear ridiculous to subsequent generations. Public tastes move quickly, and what appears shocking today can all too soon seem mundane and unremarkable, leaving any specific regulation with an extremely short shelf-life. More than any other branch of the film industry, censorship (in all its many forms) will always be distinctly of its time, and it is for precisely this reason that we can learn much about the movies – their production, their distribution, and their audiences – from the study of their regulation.

Over its hundred-year history the BBFC has undergone a series of seismic changes, all of which represent significant shifts in the public and political perception of the nature of cinema, and which broadly speaking represent a century-long movement from restriction to regulation. As long ago as the early 1970s, retiring chief censor John Trevelyan was floating the radical idea that the BBFC should no longer cut films for adults; in the 80s, the Board significantly changed its name from the 'British Board of Film Censors' to the 'British Board of Film Classification', apparently declaring a move away from the cutting room; and in 2000, the BBFC embarked upon an extensive survey of public opinion which concluded that adults should be allowed to choose for themselves what they can watch – within the confines of the law.

Today, the BBFC stands as the most open and accountable film regulation body anywhere in the world, an organisation which views the provision of information as being of paramount importance, and which strives to strike a balance between the strictures of UK law, and the still controversial principles of 'harm', and the freedoms of expression now legally enshrined in the Human Rights Act. You may not always agree with the BBFC's decisions, but today that disagreement can be part of a debate which will help define the future of the Board. And where better to start that debate than in understanding its history?

# PREFACE

## Quentin Thomas

---

The BBFC's centenary in 2012 marks a significant record of achievement. Although a private body, established because the government of the day did not want to take on the responsibility of regulating film content, something the industry believed needed to be done centrally, the BBFC secured a central place in the regulation of the most exciting, influential and powerful of the mass media. Though its decisions are always open to challenge, and some have inevitably proved controversial, it has secured a high level of public confidence.

The BBFC has proved adaptable, as it needed to do. Since 1912, the grounds for intervention, and the nature of its oversight, have changed markedly. This can be illustrated by comparing its present published Guidelines with earlier statements about the Board's approach. In 1916 the then President set out forty-three grounds for 'deletion', drawn from the Board's practice at that time. These included:

- Indecorous, ambiguous and irreverent titles or subtitles;
- Drunken scenes carried to excess;
- Cruelty to young infants and excessive cruelty and torture to adults, especially women;
- Unnecessary exhibition of feminine underclothing;
- Relations of Capital and Labour;
- Scenes tending to disparage public characters and institutions;
- Scenes holding up the King's uniform to contempt or ridicule;
- The drug habit, e.g., opium, morphia, cocaine, etc.<sup>1</sup>

Some of these clearly reflect the attitudes and social and political context (in the middle of war) and would seem incongruous as grounds for intervention today. Others express concern about issues which are reflected in the current Guidelines – for example, the treatment of violence, sex and drug misuse. Nowadays they are more likely to be considered as relevant to the age classification, rather than as grounds for 'deletion'.

Similarly, in 1948 the then President and Secretary formulated new terms of reference for the Board based on three principles:

- Was the story, incident or dialogue likely to impair the moral standards of the public by extenuating vice or crime or depreciating moral standards?
- Was it likely to give offence to reasonably minded cinema audiences?
- What effect would it have on children?<sup>2</sup>

Again, while the issues would be expressed somewhat differently today, some if not all of these points are reflected in the current Guidelines.

Over its hundred-year life, the Board, and its regime, has evolved considerably. In so doing, it has reflected profound changes in our society and culture; changes in cinema, in the availability of

film and in the technology which brings it to the viewer; and changes in our understanding and appreciation of film and of its impact.

But a number of fundamentals remain constant. These include:

- The need for sensitivity to the medium: regulation must reflect a deep appreciation of the nature of film, its power to entertain, inform, enrich and illuminate and its potential for harm as well as for benign influence;
- The need to retain the confidence of the public and other interests in striking the right balance between some independent scrutiny and creative and commercial freedom to maximise the benefit society derives from the medium;
- The need to protect against the risk of harm, most conspicuously in respect of children;
- The need for regulation to reflect and be consistent with contemporary culture and prevailing social attitudes.

All this is consistent with the principal statutory provisions: the Video Recordings Act (VRA) 1984 for video works and the Licensing Act 2003 for cinema. Under the 1984 Act, when considering whether to award a classification certificate to a work, or whether to classify a work at a particular category, the Board is required to have special regard (among other relevant factors) to the likelihood of works being viewed in the home, and to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with criminal behaviour, illegal drugs, violent behaviour or incidents, horrific behaviour or incidents, or human sexual activity.

The objectives of the Licensing Act, under which cinemas require a licence from the relevant local authority, are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Over the Board's life, but particularly in recent years, there has been a shift from restriction and prohibition towards regulation that is transparent, objective and therefore more accountable, alongside the increased provision of relevant information so that informed decisions can be made by potential viewers and their parents. (In addition to the brief consumer advice provided on each film or video work, the Board's website and its apps provide more detailed information, for parents in particular, about individual classified works, explaining why each was given its age classification.)

While the Board makes no claim to infallibility, it has developed machinery to ensure a systematic and consistent approach within the law. Moreover, its procedures and policies are open and accountable. And its decisions are based on declared policies reflected in published Guidelines which are themselves the product of extensive experience, study of research findings and successive rounds of public consultation.

In addition, the Board has a dedicated, experienced and professional staff. It also benefits from the advice of two standing consultative bodies, the Advisory Panel on Children's Viewing and the Consultative Council, which bring together people of relevant experience and expertise. Furthermore, it has a culture of openness and explanation, with a track record of responsiveness, and as the history demonstrates, a capacity to change and adapt.

The legal framework, established by Parliament, in which the Board operates, requires pre-publication regulation: that is, the film or video work is examined and, if appropriate, classified before it may be shown in a cinema or sold as a DVD or Blu-ray disc. While pre-publication scrutiny was once more widespread, for example in broadcasting, the theatre, even in the case of the printed word, it is now unusual for non-film media content.

Internationally, however, pre-publication oversight remains the norm for films. Its justification is straightforward: if the object of regulation is the prevention of harm then, to achieve its objective, it must apply before publication. And nowadays such compulsory prohibitions, as distinct from raising the age classification, as the Board makes almost always derive from an assessment of the risk of harm or are otherwise expressly proscribed by law (for example, in respect of animal cruelty or indecent images of children). In short, the system of regulation reflects and depends upon an appreciation of the nature of the medium and its potential impact.

In this, the Board's policy broadly follows the approach advocated by the Departmental Committee on Obscenity and Film Censorship under Professor Bernard Williams which reported in 1979 (Cmd 7772). Recommendation 3 states:

The law should rest partly on the basis of harms caused by or involved in the existence of the material: these alone can justify prohibitions; and partly on the basis of the public's legitimate

interest in not being offended by the display and availability of the material: this can justify no more than the imposition of restrictions designed to protect the ordinary citizen from unreasonable offence.

As to classifying films for persons under eighteen, recommendation 44 (a) says this 'should take account of the protection of children and young persons from influences which may be disturbing or harmful to them, or from material whose unrestricted availability to them would be unacceptable to responsible parents'.

Pre-publication classification also remains the norm in the suite of voluntary, best-practice initiatives the Board has set up outside its statutory responsibilities in partnership with industry. The Board is increasingly examining and classifying content for distribution online. It is also involved in advising, setting up and running other bespoke voluntary classification services for specific sectors whose involvement in creating or distributing content is relatively new and not required by any law. It is the BBFC's expertise and experience, built up over the last hundred years, which continues to encourage new partners to seek it out and work with it as they look to exploit emerging distribution platforms. And it is creating and managing these sorts of self-regulatory regimes which are likely to play an ever growing part in the BBFC's future story.

# INTRODUCTION: A CENTENARY BOOK

Edward Lamberti

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When the idea of a book to celebrate our centenary was first mooted, we thought it was a great idea. But then the question was, A book saying what? I think it's fair to say that the editorial team was, from the off, more interested in the idea of a volume that told us – and you – things we/you *don't* already know than a book that would merely retrace existing ground on censorship and classification, and on several decades of film culture in Britain.

Also, we didn't want the book to be just 'our' take on 'us'. Of course we wanted the book to cover the past, bring the story up to the present and look to the future, but we also wanted it to be a multifaceted thing, igniting interest rather than settling into a single groove. We wanted it to be cohesive, but we also wanted it to comprise a range of views, voices and takes on the organisation.

The idea of a single author, then, was ruled out very early on. We didn't want someone who would just become a mouthpiece for what 'we' wanted to say. And even if that writer had not succumbed to such a role, we wanted to offer a wider perspective than any single author could give to the project.

So we invited a range of writers from outside our walls to produce brand new pieces which, together with contributions from internal staff, would make up the book and form a picture of what we're about.

When approaching people to contribute, we were anxious not to be too prescriptive. We gave our contributors an overview of our hopes for the project, a list of what we considered some of the key moments, issues and 'beats' in the century of activity in question, and as much access to our files as we could make possible. Beyond that, we were happy to let them come at their respective eras however they saw fit.

This book, then, *isn't* an official history. The authors have been free to write as individuals, to tell it as they see it. They have not been bound by official BBFC doctrine: for that, readers need to consult the Board's classification Guidelines and other official publications. The book is a history, a commentary, a survey – and more. And there is, of course, continuity. As one contributor passes the baton to the next, so the story develops. Themes recur, certain films make multiple appearances, footage gets cut and then, decades (and chapters) later, put back in. The social context and societal attitudes change. As do laws. So, for example, *Battleship Potemkin* goes from being banned to being a 'PG'.

Simon Brown kicks things off with a carefully charted account of how, and why, the BBFC came into being, and how it established itself in the eyes of the government, the local authorities and the film industry. In Robert James's survey of the Board's scenario reports in the 1930s and World War II, a picture emerges of an organisation aware of its role regarding the leisure habits of the general public and keen to promote a system of censorship that would instil a certain sense of public morality.

Moving into the post-war years, Steve Chibnall sorts through a succession of films and decisions that brought the organisation in line with a gradually more permissive society; while Tracy Hargreaves's coverage, in Chapter 4, of a number of key decisions from the late 1950s to the end



Director Stanley Kubrick filming the controversial home-invasion scene from *A Clockwork Orange* (1971)

of the 60s shows how that permissiveness came on in leaps and bounds during this period of enormous social upheaval.

Picking up the story in the early 1970s, Stevie Simkin scrutinises the BBFC's activities in this highly contentious period when a number of major films proved instantly controversial and created headache after headache for the Board (and for plenty of other organisations in British society). Here, *The Devils*, *Straw Dogs* and *A Clockwork Orange* are the starting point for an examination of a wide range of movies subject to intervention for a variety of reasons, and Simkin considers the ways in which many of the issues of the time still resonate today. Guy Osborn and Alex Sinclair's perspective on the latter half

of the decade in Chapter 6 pinpoints the ways in which matters of legislation were weighing particularly heavily on the Board's activities and decisions. Their chapter highlights the significant role the then new man in charge, James Ferman, assumed in enabling the Board to re-establish its authority amid various voices of dissent in the era.

In Chapter 7, Sian Barber's handling of the 1980s eschews the well-covered territory of the 'video nasty' and concentrates rather on many high-profile mainstream titles that the Board dealt with in this period. Her account analyses the implications of the Board's decisions with regard to, among others, teenage viewers, family entertainment, homosexuality and the war film. Turning to the 1990s, Julian Petley shows how the Board's considerations of harm fed into its decisions with regard to, principally, a sex-education work (*The Lovers' Guide*), a video game (*Carmageddon*) and a feature film (*Crash*). Petley argues that in this era, scrutiny of BBFC decisions by various competing interests even endangered the organisation itself. This is discussed further in Chapter 9, in which Robin Duval, former Director of the BBFC, offers a relaxed and very personal account of his five years at the helm, a time in which the Board extended its drive to be more open and accountable.

David Cooke, the Board's current Director, brings us up to date in Chapter 10 by taking us through key developments in classification policy, greater empowerment of consumers and the creation, in partnership with industry, of best-practice self-regulation for online content. And in Chapter 11, BBFC Vice President Gerard Lemos introduces a collection of short essays that give individual takes on the landscape in which the Board sits, and in which moving-image culture itself is unfolding.

Interspersed with the chapters are case studies on individual works. These are written by BBFC staff, who, like our external collaborators, come at the films and the events in their own ways. These case studies supplement other in-depth looks at particular films that you'll find in the chapters themselves; but we've designed them also as stand-alone items. There are, of course, hundreds (even thousands) of BBFC decisions that we could have chosen to look at, and indeed, getting our longlist down to a mere twenty titles involved some of the Board's most ruthless cutting of recent times! But we think that each of the decisions we have chosen to discuss says something important about the Board's work, and adds to the portrait presented here.

Finally, a note on the text: in the offices of the organisation, 'the BBFC' and 'the Board' are used interchangeably – and it's the same in this book.

# 1

## CENSORSHIP UNDER SIEGE: THE BBFC IN THE SILENT ERA

Simon Brown

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From the very beginning, the British Board of Film Censors found itself under siege. Its early years were categorised by considerable uncertainty as its motives and decisions were questioned and its very existence challenged. As an organisation it sat at the centre of a maelstrom of powerful, combative and competing institutions, each with their own agenda and each regarding the BBFC with varying degrees of suspicion, indifference and, at times, contempt. These institutions form the major players in the story of the origins and development of the BBFC during the silent era. First was the Home Office, the government department responsible for public order in the UK. Second were the hundreds of local authorities around the country, each of which was responsible for granting licences to cinemas that allowed them to operate within their boundaries. The third was the film trade itself, made up of the three separate areas of production, exhibition and distribution (here in the form of renters). Each of these was represented by separate and often warring trade organisations, respectively the Kinematograph Manufacturers' Association (KMA), the Cinematograph Exhibitors' Association (CEA) and, later, the Kinematograph Renters' Society (KRS). Between them the Home Office, local authorities and the trade brought issues of public safety, legal authority and economic necessity to bear on what was a young, small and often powerless organisation, making its formative years ones of insecurity. The story of the BBFC in the silent era is the story of a struggle for recognition, respect and validation.

### The Origins of the BBFC, 1909–12

The origins of the BBFC initially lay in the Cinematograph Act 1909, which was designed primarily to regulate film shows for the purpose of public safety. At that time cinema shows were a combustible mixture of dangerous ingredients. First, the strip of film was made of cellulose nitrate, which was highly flammable, burned extremely quickly and was very difficult to put out. Second, this dangerous material ran through a projector which had to produce a strong beam of light in order to project the image on the film strip onto a screen. One common source of illumination for early film projectors was limelight, in which a piece of lime was heated by a gas jet to produce a bright white light. The heat produced by the lime was intense, and while normally a strip of nitrate passing through the gate of the projector at around sixteen frames per second was exposed to the heat for too short a time to catch alight, if the film got stuck in the gate for only a few seconds it would be enough for it to burn.<sup>1</sup> The third danger element was the venue itself. Up until around 1906 the main venues for showing films were music halls and travelling shows in fairgrounds. From 1906 onwards, there was a proliferation of fixed-site cinema shows, commonly referred to nowadays as 'penny gaffs' and generally considered to be akin to the more famous early American cinemas known as Nickelodeons. Recent research by film historian Jon Burrows suggests, however, that the term 'penny gaff' was nowhere near as ubiquitous as has been frequently suggested, and that the term 'penny cinema' was more common, 'gaff' being a more derogatory term.<sup>2</sup>

Regardless of the name, penny cinemas tended to be small and cheap, often located in empty shops that were crudely converted for the purpose of film shows, with a few seats, a screen or sheet at one end and a projector at the other. More often than not there was only one door, which doubled as both entrance and exit and next to which the projector would be located. In the event of a projector fire, this one door and only route of escape could easily be cut off by the swiftly burning film and the resulting large amounts of toxic smoke. Reports of fires in penny cinemas were actually few and far between, but the potential for public-safety disasters did not go unnoticed. There were some high-profile catastrophes, including an appalling fire at a film show in Paris in 1897 in which around 140 people lost their lives. Other examples of the dangers of nitrate film included a fire in 1907 in Cecil Court, a small alleyway between St Martin's Lane and Charing Cross Road in London which was home to many early British film businesses, a fatal fire at the Hepworth Manufacturing Company studios in Walton-on-Thames, also in 1907 and a fire at Newmarket Town Hall in September the same year.<sup>3</sup> While only one of these was a public venue, incidents such as these served to highlight the dangers.

The London County Council (LCC), one of the hundreds of local councils in Great Britain, had already drawn up a series of rules to regulate cinema shows in the capital, including placing the projector in a fireproof box and banning the use of certain illuminants. The regulations, drawn up initially in January 1898 shortly after film shows began and revised in 1906, were enforceable under the Disorderly Houses Act 1751. They specifically related to venues featuring music and dancing (such as music halls), which distinguished such venues from the so-called legitimate theatres (where plays were put on) regulated by central government through the Lord Chamberlain's Office.<sup>4</sup> The problem was that while the regulations specifically related to cinema exhibition, they could only be enforced where the premises were actually licensed. The LCC only had authority over venues which had a music and dancing licence and it was not clear whether cinemas required a licence or not, since cinemas did not always involve live music and rarely, if ever, involved dancing. While it was common for a pianist to accompany the films, many other options were also available, including a lecturer who would speak alongside the films, as well as mechanical pianos that would play standard pieces without the need for a pianist, and even sound effects machines. There was some debate around the issue of whether the presence of a mechanical piano would mean a venue required a licence and thus make it eligible for prosecution under the law.

None of this, however, detracted from the basic principle of public safety. The LCC's main expert on cinematograph shows, Walter Reynolds, strongly advocated new national legislation specifically targeting film shows, stating that, as noted by David R. Williams, 'Twentieth-century amusements needed twentieth-century regulations.'<sup>5</sup> As unlicensed cinematograph shows spread throughout the country, many local councils around Britain moved to impose their own regulations. The desire for national legislation grew to the point that an announcement was made in February 1909 that such legislation would be drawn up and presented to Parliament.<sup>6</sup> The Cinematograph Act 1909 was passed by both Houses and received Royal Assent in November, coming into force on 1 January 1910. The enforcement of the Act was given over to the various local authorities that were to be responsible for licensing premises under their jurisdiction.

While certain clauses in the Act did cause concern among film exhibitors, in general the trade supported its implementation because the main target was not the growing exhibition chains or circuits but rather the small-scale penny operations which were, in Reynolds's own words, run by 'rapacious, unscrupulous manager(s) [...] wilfully placing [...] exploited patrons in danger'.<sup>7</sup> As much as this Act was about public safety, bringing in a formal system for licensing cinemas that required a minimum set of standards to be met was also therefore about ridding the trade of opportunist businessmen out to make quick money by charging low prices for poor-quality films – often scratched prints bought cheaply through secondhand sales companies – in grubby, unsuitable premises. The Act was therefore very welcome for an industry struggling not only with an apparently undesirable subgroup of entrepreneurs but also with a poor reputation as a working-class form of largely sensationalist entertainment that for many in society was a cause for concern. The *Daily Telegraph* in March 1908 published a letter by a vicar in Whitechapel who complained about a film called *The Life of Charles Peace* (1905). Peace was a burglar who had been executed for murder in 1879 and whose exploits, including a daring escape from a moving train, had been widely reported by the press. The film, made by William Haggart in South Wales, recounted key moments of Peace's life and was considered, by the vicar at least, to be violent and sensationalist.<sup>8</sup> In February 1909, the Commissioner of Police asked for tighter control over films that glorified crime, while more controversially in July 1910, the LCC banned a film of the famous



*The Life of Charles Peace* (1905), one of a number of early films accused of glorifying crime

prizefight between Jack Johnson and James Jeffries. Johnson was a black man, and at the time was the heavyweight champion. Jeffries came out of retirement to win back the title for white America and his defeat caused race riots throughout the US. The film was banned in the US and concern that it could spark similar violence in the UK prompted the LCC's decision.<sup>9</sup> Thus not only did the Act encompass issues of public safety, indirectly it also addressed the question of low-quality working-class film shows, as well as the morality of the subject matter of films playing, often to children, in these penny cinemas.

Concerns over what were seen to be controversial films playing to working-class audiences led a number of local authorities to request the power to prohibit exhibition of films they disliked and, in early 1911, legal precedent made this possible. The LCC commonly stipulated in its music-hall licences that venues could not open on Sunday and this condition was transferred to the licensing of cinema shows under the 1909 Act. In early 1910, the LCC issued a summons to the Bermondsey Bioscope Company for breach of the licence, having discovered they were showing films on Sundays. The Bermondsey Bioscope Company claimed that the LCC exceeded the bounds of the Act by including the Sunday stipulation. Having lost the case initially, the LCC appealed and won in December 1910. The Divisional Court scrutinised the Act and focused on section 2, which allowed that any county council could grant a licence 'under such restrictions as [...] the council may by the respective licences determine'. In the judgment of the court, this phrase permitted the LCC to impose any conditions it wanted in granting a licence, regardless of whether or not they related to safety. This decision formed the legal structure under which film censorship was, and continues to be, based, because it enshrined in law the fact that county councils could, if they wished, restrict the types of films which were shown as a condition of granting a licence.

It did not take long for some local authorities to add to any licence the condition that the films shown must not be improper or indecent. Beyond statutory legislation such as obscenity and libel laws, the concept of indecency was left largely to matters of individual taste, which made the

situation very difficult for exhibitors who, with perhaps a few obvious exceptions, could not be certain if a film would attract complaints. This gave rise to a potential situation in which any exhibitor showing a film which just happened to offend one of the council members or a number of influential patrons could find themselves in court and fined for a breach of licence, while another exhibitor within a few miles might have no problems at all.

Faced with a tarnished public image, and this unworkable situation for exhibitors, the film-makers' trade body, the KMA, met and agreed that they should approach the Home Office and suggest a form of self-regulated censorship. They approached a number of influential film renters who also agreed and, in February 1912, a deputation met with the Home Secretary, Reginald McKenna, to put forward their proposal.<sup>10</sup> The stakes were high, and so to demonstrate both its seriousness and its commitment to the concept of an independent body, the trade approached George A. Redford to be the President of the new organisation. Redford had no connection to the film industry but had been Examiner of Plays at the Lord Chamberlain's Office. Thus he brought with him knowledge and experience of censorship and ties to government but not of the film business.<sup>11</sup> He also had a certain middle-class respectability due to his links with the theatre; this would add an air of authority and responsibility to the proposed body. In addition, the trade suggested that while the censors would be independent of government, the Home Office could appoint a referee to act as a kind of appeal court in the event of disputes. McKenna was broadly supportive but firmly rejected the idea of either involving the Home Office directly or offering its formal support, since it had no actual authority over the process as it was envisaged and suggested by the trade.<sup>12</sup> The power to regulate film content was held by the local authorities as a condition for granting a cinema licence under the 1909 Act, and was further established by the legal precedent of the judgment in the *LCC v. Bermondsey Bioscope* ruling. If the authorities agreed to recognise and uphold the advice and decisions of the new organisation, then the decisions would have legal power and the Home Office need not be involved. It was the struggle to obtain this approval from the local authorities that would mark the early years of the soon-to-be-named British Board of Film Censors.

### **Trials and Tribulations: The Redford Years, 1912–16**

In November 1912, the formation of the BBFC was announced in the House of Commons.<sup>13</sup> The Board started operations on 1 January 1913 under the Presidency of Redford, who was paid £1,000 per year, with four examiners each on a salary of £300 per year, and the imposing figure of Joseph Brooke Wilkinson, former Secretary of the KMA, as Secretary. The BBFC aimed to view around 120 films per week.<sup>14</sup> The four examiners all sat in the same room, and two films were projected simultaneously, next to each other, with two examiners watching one and two the other. Where a film raised issues, all four examiners would watch it, and then, if the film was particularly problematic, the President would view the film and have the final say. The President was responsible for all correspondence with whoever submitted the film. These working practices remained in place throughout the silent era, and well into the sound era.<sup>15</sup> From March 1913, the Board began to issue certificates that confirmed not only that the film had been passed but also in which category it had been placed. Initially there were only two categories – 'U', which was universal for all, and 'A', which imposed no age restriction but which contained material considered generally more suitable for adult audiences.

During the Board's first year of operation an unforeseen problem emerged: it was not made entirely clear to the trade whether the responsibility for submitting a film to the Board lay with the producer of the film or with the distributor. This resulted in the Board having swiftly to negotiate and clarify the situation to the effect that films had to be submitted before the rights were sold.<sup>16</sup> Despite this initial hiccup, in their first year the examiners saw an impressive 7,510 films. Of those, 6,861 were passed with a 'U' certificate while 627 received an 'A' certificate. Cuts were made to 166 films while only twenty-two were banned outright, due mainly to sexual content such as 'Indelicate or suggestive sexual situations', 'Indecent dancing' and 'Impropriety in conduct and dress'. Other reasons for banning films included excessive drunkenness and, as is still the case after the Cinematograph Films (Animals) Act of 1937, cruelty to animals, but perhaps more surprising reasons included 'Holding up a Minister of Religion to ridicule', 'Materialisation of Christ or the Almighty' and 'Native customs in foreign lands abhorrent to British ideas'.<sup>17</sup> Between them these reasons offer an indication of the types of moral thinking underpinning the work of the BBFC, which reflected a very middle-class view of Britain and, more importantly perhaps, a middle-class view of the working class, which constituted at this time the main audience for

The BBFC's first President, George A. Redford



cinemas. The list therefore suggests an attempt to repress immoral behaviour including sex and public drunkenness, while the issues raised around religion point to an attempt to avoid the demystification of the church, which was a guardian of public morals and opinions.<sup>18</sup> Finally, the objection to foreign customs implies a patronising attitude to other cultures as well as a protectionist attitude towards the British film industry. Thus, while in the first year the BBFC began with only two 'official' rules, which were no nudity and no depiction of Christ, these were quickly augmented by others which suggest a paternalistic and patronising attitude towards cinema audiences, as well as a general sense of British superiority in terms of taste. The Annual Report for 1913 ends with the assertion that 'the Board has had a salutary effect in gradually raising the standard of subject and eliminating anything repulsive or objectionable to the good taste and better feelings of English audiences'.<sup>19</sup>

Despite the seemingly rosy picture presented in the Annual Report, 1913 saw controversies arise over certain films, and these more importantly demonstrated the relative powerlessness of the Board. In many cases complaints about films were directed not at the BBFC but directly to government which was forced to intervene. In July 1913, for example, the Colonial Office received a complaint from the South African government about a film which showed images of the so-called Rand Riots, violent disturbances that took place in Johannesburg and which were quelled by British government troops supporting the local police, resulting in the deaths of a number of protesters. The Colonial Office approached the Home Office, which arranged with the BBFC to see the film and then suggested to the BBFC what cuts should be made.<sup>20</sup> The title of the film is unknown but quite possibly it was a British Pathé News film entitled *Rand Strike Riots* (1913). Closer to home, in August 1913 British Pathé News was denied the opportunity to show a film of prisoners at work on Dartmoor. The BBFC responded to Pathé saying that it was

directed by the Secretary of State to say that he has consulted the Directors of Convict Prisons [and] regrets that on full consideration he is unable to give the permission asked for [due to] their regular practice which is not to allow any photographs of convicts to be taken.<sup>21</sup>

It is notable here that this is not a question of law but rather a question of policy, and strongly suggests that the BBFC was being directed by, and acceding to, government policy as dictated to it by the Home Office. By 1914, Pathé, at that point one of the more powerful international film companies and one of the biggest companies operating in Britain, had stopped submitting its fiction films to the BBFC altogether, a clear indication of just how weak the authority of the Board actually was, given that Pathé films were still widely shown regardless of the fact that they had no BBFC certificate.<sup>22</sup>

A further prison-related issue arose in November 1913 when the Anchor Film Company produced a film called *£1,000 Reward* which told the fictional story of an escape from Portland Prison, located on the Isle of Portland just off the coast of Dorset. The film was to be shot on the island itself and was sold on the basis that at that time no prisoner had ever escaped from Portland Prison. The Prison Commissioner wrote to the Home Office asking if there were any way that the film could be banned, given that it was filmed on or near the actual locations and, more importantly, that it showed scenes of the guards being bribed. The Commissioner's fear was that this would prompt copycat attempts by prisoners to bribe the guards and escape. The Home Office went to the BBFC which agreed to pass the film provided that any reference to Portland and any scenes showing the bribing of the guards were removed. The producers assented, but grumbled that by the time the cuts were made, the film was virtually unshowable.<sup>23</sup>

This deferral to the Home Office was a feature of the BBFC's first year of operation, to the extent that Brooke Wilkinson sent the BBFC Annual Report for 1913 to the Home Office for approval before it was published. The response clearly indicates the attitude towards the BBFC. It asked that a statement that the Board was 'recognised' by the Home Office be removed 'as it would be likely to give rise to misconception'. Official recognition was therefore denied and the Annual Report instead contains the much less emphatic assertion that 'the objects of the Board have the approval of the Home Office', meaning that it supported the idea behind the Board rather than the organisation itself, and that the Home Secretary 'very much appreciates' its work. Furthermore, the Home Office insisted that the phrase 'when the scheme [by which they meant the industry scheme for setting up its own censorship body] was originally discussed in detail with the Home Office' was replaced with 'when this scheme was placed before the Home Office', the former suggesting that the Home Office was actively involved in discussions while the latter indicated that it merely approved a package which the trade had already put in place. Even more

telling is the request to delete the statement that 'it is satisfactory to be able to report that the Home Office is in accord, so far as religious films are concerned, with the views of the Board'. The argument was that 'this reference to the Home Office would be almost certain to give rise to public discussion and controversy, and this, as I am sure you will agree, it is most desirable to avoid'.<sup>24</sup> This clearly indicates that the Home Office was keen to avoid being seen to align itself with, or support, the BBFC except in the most general terms of suggesting that it was, at least, fit for purpose. The BBFC was powerless to do anything but agree, Brooke Wilkinson meekly replying that, 'I can assure you your wishes in this matter will be carried out.'<sup>25</sup>

This submissive attitude towards the government was hardly surprising given that the BBFC was set up as an alternative to government censorship, which the Home Office did not want to initiate but which remained a threat hanging over the fledgling organisation. Thus the BBFC was powerless in the face of Home Office pressure, and was equally powerless in the face of the licensing authorities. While it had been set up by the industry as a voluntary body to censor film content and classify films, the decision whether a film could be shown or not still lay with the designated licensing authorities as enshrined by the 1909 Act. In other words, the BBFC had no legal authority at all, and so its influence was only remotely viable if, as was suggested by the Home Office, the licensing authorities agreed to abide by the decisions made by the Board. The take-up was far slower than had been hoped. While the BBFC's Annual Report for 1914 confidently stated that

[S]o far as can be ascertained between forty and fifty Licensing Authorities have, during the year, shown their confidence in the Censorship by making a rule that only such films as have been passed by the Board are to be exhibited

it also acknowledged that only twenty-three had officially included this in their licences.<sup>26</sup> By the time the Annual Report for 1915 was published in early 1916, this had risen only very slightly so that just thirty-five out of the several hundred local authorities actually committed to abiding by the BBFC's decisions in the first three years of its existence.

At the same time a large number of the remaining local authorities quickly began to call for government-run censorship in place of the BBFC. In June 1914, the Magistrates of Penzance passed a resolution calling for state censorship of films on the grounds that cinema shows were largely attended by children, who needed government protection from indecent or improper films. Similar resolutions were passed around the same time by, among others, Durham City Council, Leamington Spa Town Council, Scarborough Town Council, Central Somerset Church Council and Huddersfield Town Council.<sup>27</sup> In December 1915, Manchester City Council followed suit and the same month the Chief Constables of several towns in Lancashire visited the Home Office to request that an official censor be appointed and uniform rules adopted. The deputation came after difficulties had arisen over the film *Five Nights* (1915), a romantic melodrama based upon a racy novel written by Victoria Cross published in 1908. This had been passed by the BBFC but banned by the LCC and other local authorities, including Preston, Birmingham and Leicester; the producers sued the Chief Constable of Preston for libel.<sup>28</sup> It was argued that some local authorities were allowing films to be shown amid concerns that a ban might lead to a legal challenge. The trade was also becoming disillusioned with the BBFC, seeing it as an organisation whose authority was not recognised by the government and whose decisions were not adhered to by the majority of local authorities. By November 1915, the trade papers were calling for the Home Office to act and either take on the business of censorship or give the BBFC official powers.<sup>29</sup>

Even the War Office was expressing dissatisfaction with the Board. The outbreak of World War I undoubtedly proved difficult for the BBFC; in 1914, it agreed to censor newsreels in consultation with the government Press Bureau, but in 1915 the situation became more complex.<sup>30</sup> The War Office insisted that all films containing scenes related to the armed forces be looked at carefully, since representations which may be acceptable in peacetime may not be at a time of war. While the BBFC Annual Report for 1915 states that the War Office and its Press Bureau worked with the BBFC to ensure all decisions were 'satisfactory',<sup>31</sup> in April 1915, the War Office sent a letter to the Home Office noting that the BBFC did not censor films for export. It suggested that an arrangement should be made with Customs to the effect that any film not passed by the BBFC should not be exported. It furthermore recommended that a military advisor from the Press Bureau join the Board to advise on military matters.<sup>32</sup> At the end of the year, the War Office wrote back to say that an advisor had been made available but the BBFC had not used them, and stated furthermore that BBFC censorship on military matters was 'very lax'.<sup>33</sup> The response from the

Home Secretary of the time, John Simon, was to agree that 'censorship needs to be made more thorough'.<sup>34</sup>

Simon resigned shortly afterwards, in January 1916, to be replaced by Herbert Samuel who, in his role as Chairman of the Joint Select Committee of the House of Lords and House of Commons, was one of the instigators of the Cinematograph Act 1909 and therefore took a much more active interest in issues of film censorship than his predecessors. Amid this groundswell of criticism from the War Office, the clergy, the police and the local authorities, Samuel took the notion of official censorship far more seriously. On 14 April 1916, he held a conference in which representatives of the key local licensing authorities met to discuss the idea of government censorship. The conference agreed to the setting-up of an official censor and the following week Samuel took the idea to the trade, who broadly agreed to the idea but with the proviso, as was being mooted in the latter part of 1915, that the existing BBFC be used.<sup>35</sup> On 11 May, the Home Office sent a letter to all the local authorities asking if they would accept the formation of an official censorship body. It also asked if they would accept as a condition of granting a licence the requirement that no film prohibited by this body would be shown and that if a film had not been passed the local authority could only allow it to be shown if the authority itself had approved it in advance. A final condition was that the local authority would object to no film passed by the government censor.<sup>36</sup> This was a delicate balancing act on behalf of the Home Office which, like the BBFC itself, had no legal right to force the local authorities to comply. Their right to decide what could and could not be shown in cinemas was enshrined in the 1909 Act and the legal decision in the case of *LCC v. Bermondsey Bioscope*, but it was this individual right of each authority that caused the inconsistencies about which many complaints were made. The Home Office was trying to gain a measure of consent and uniformity by asking the authorities to sign up to the idea that they would object to no film which had been passed by the government censor, but they could not make the authorities accept the decision to ban a film, hence the coda which allowed the authority to show any film provided it had seen it in advance. Samuel knew that to introduce state censorship of films properly it would be necessary to pass new legislation which not only stripped the local authorities of the rights granted to them in the 1909 Act but also overturned the legal precedent of *LCC v. Bermondsey Bioscope*. A small number of local authorities rejected the proposals, unwilling to give up their authority.<sup>37</sup>

Despite these objections, most local authorities were in favour of the idea and, on 31 July 1916, the Home Office held a meeting with their representatives in which a set of conditions, modelled on those of the LCC, was drafted and approved, and subsequently circulated in August.<sup>38</sup> As with the original proposals discussed in April, Samuel was really trying to find a set of conditions around which a consensus would form and thus negate the necessity to pass legislation. The key points of the five model conditions were that no film would be shown which was 'likely to be injurious to morality or to encourage or incite to crime, or to lead to disorder, or to be in any way offensive to public feelings'; no film would be shown that had not been passed by the BBFC unless the licensing authority was given three days' notice and provided with a copy so that it could check the film and make their own decision regarding it; any film passed by the BBFC would be shown exactly in the form in which it was passed, unless consent for any changes was sought in advance; and no lurid or offensive posters or advertising materials were to be displayed. The final condition was that the auditorium would be sufficiently well lit that it was possible to see the whole area in an attempt to stop the indecent behaviour which was widely rumoured to be taking place in the dark. The new censorship body would operate under a President appointed by the Home Office and draw upon an Advisory Committee made up of representatives from various aspects of society and the trade. While the Home Office was actually proposing little more than a remodelled version of the BBFC with an official government stamp, the local authorities almost unanimously agreed to support the new scheme, only a handful holding out and complaining about the loss of power that adopting these new conditions would entail. Despite vociferous opposition from the trade, which in part revolved around concerns over the make-up of the proposed Advisory Committee, in October 1916, the Cabinet was informed that official censorship of films would be in place the following year.<sup>39</sup>

In less than three months, however, the entire process collapsed. The main reason for this was the split in Herbert Henry Asquith's Liberal government which took place in December 1916 and resulted in its being replaced by a coalition under David Lloyd George, himself a Liberal and a former member of Asquith's Cabinet. Herbert Samuel, who sided with Asquith in the split, was replaced as Home Secretary by George Cave, who immediately dropped the proposed new censorship scheme. He did not, however, abandon the idea of state censorship completely. In a letter dated 24 January 1917 to the Cinematograph Trade Council, which represented the

manufacturers', renters' and exhibitors' trade bodies, the Home Office declared that 'Sir George Cave will not proceed with the scheme, but will postpone the question of a central censorship until there is an opportunity for dealing with the matter by legislation'.<sup>40</sup> The threat to the BBFC was therefore not entirely removed. Cave apparently saw the inherent pointlessness of Samuel's scheme, which served merely to try and create an official version of what was already in place, and instead reserved the right to introduce legislation. The letter ended by recommending that the licensing authorities 'exercise to the full extent the powers of control which they possess under the Cinematograph Act'. This emphasis on the exercising of their powers suggests the thinly veiled threat behind Cave's decision, which was that the local authorities had to stop complaining and accept the current situation or risk losing their authority altogether. For the BBFC, the threat was equally clear. Either it had to win the support of the local authorities, or the spectre of the imposition of government censorship would be resurrected.

## Acceptance and Consolidation: The O'Connor Years, 1916–29

The BBFC itself was curiously quiet during this period, although according to one letter to the Home Office, Brooke Wilkinson was heavily involved in the trade's resistance to the proposals in the latter half of the year.<sup>41</sup> The main reason for the silence was most likely the ill health of Redford, who died in November 1916. For all his experience in the Lord Chamberlain's Office, Redford had failed to win over the local authorities and establish the BBFC as a viable institution. It was clear that the role of President required political skill and the trade acted swiftly to replace him with someone whom they felt had considerably more influence. For this they turned to Thomas Power O'Connor. O'Connor was an extraordinary figure. He was born in Athlone, Ireland in 1848 and became a journalist in Dublin before moving to London as sub-editor of the *Daily Telegraph* in 1870. In addition to a highly distinguished career as a journalist, he was also by the time of his death in 1929 'Father of the House' of Commons, a title reserved for the longest-serving Member of Parliament at any given time. Astoundingly, given his long service, Tay Pay, as he was known, was actually an Irish Nationalist and advocate of Irish Home Rule. He was first elected to Parliament in Galway in 1880 and then in 1885 he was returned by two constituencies, Galway and Liverpool Scotland, an area of Liverpool around Scotland Road which, ironically, had a large Irish population. Tay Pay chose to sit for Liverpool Scotland and did so until his death, the only Irish Nationalist representing a constituency outside of Ireland itself.<sup>42</sup> From 1917 until his death, therefore, Tay Pay juggled three careers – as an MP, as a journalist/author and as President of the BBFC. As such he was neatly situated at the nexus of several key pressures on the BBFC, notably government, public opinion and the trade itself.

The appointment of O'Connor was a calculated move on the part of the trade to add legitimacy to the BBFC in the eyes of the Home Office and to strengthen its political and public influence. This was further augmented from an unlikely source when the Cinematograph Trade Council invited the National Council of Public Morals (NCPM) to undertake an inquiry into the moral influences of the cinema. The NCPM was an unofficial body, founded in 1904, that concerned itself with the preservation of British culture and society through the investigation of its perceived moral decline, and through the promotion of 'purity' via a mixture of sexual responsibility, both medically and morally, and eugenics. In 1911, the NCPM, which included among its members the Dukes of Fife and Argyll, Lord Strathcona (the High Commissioner of Canada) and James Ramsay MacDonald, leader of the Labour Party, published a Public Morals Manifesto that urged education in the ways of parenthood to tackle the moral decline in society and encourage morally upstanding behaviour in the young. While the links with eugenics and references to the detrimental effects on society of excessive breeding among the so-called 'feeble-minded' were and are deeply problematic, as a body the NCPM was relatively forward-looking, concerned with exploring ideas and concepts rather than making ill-informed, reactionary moralistic pronouncements. As the Council says in the report on the influences of cinema,

[w]e have sought, not to come out into the streets and with clamouring to strike the evil on the head [...] we have rather set ourselves to undermine the evil, to get at the deeper causes [...]. And in doing so we have expressly desired to win the sympathy of the men and women who are [...] catering for public amusement [...] and have under their control the vast machinery for instantly and effectively reaching millions of people. We have seen the folly of making enemies of those who control these great and potent agencies by indiscriminate denunciation.<sup>43</sup>

While the somewhat patronising tone is not dissimilar to that of many groups that set themselves up as *de facto* moral guardians, or indeed of the BBFC itself as presented in its early Annual Reports, there is an element of sophistication to its approach that suggests it was not entirely reactionary. In August 1916, the NCPM had offered to establish the BBFC Advisory Committee proposed by Samuel on behalf of the Home Office, having become involved in the film business the previous year by sponsoring the launch of a film produced by Universal Studios called *Where Are My Children?* (1916). The film was a moral tale that was firmly pro-birth control and anti-abortion, a stance that echoed findings of the NCPM's report on the National Birth Rate which was published in 1916.<sup>44</sup> The decision to allow this highly respected and well-connected organisation to investigate the moral condition and influences of cinema and the film industry in general served to allay some of the fears that had prompted the call for government censorship in the first place.

(top) T. P. O'Connor, President of the Board from 1916–29; (bottom) *Where Are My Children?* (1916): 'firmly pro-birth control and anti-abortion'



In early 1917, therefore, O'Connor took over an organisation that had just survived being replaced. One of his first actions as President was to visit George Cave and ask that the BBFC be given the formal support of the Home Office – a request which Cave denied.<sup>45</sup> Instead Cave maintained the distance of the Home Office from the situation by circulating to the local authorities another set of suggested conditions for the granting of a cinema licence which simply adapted those which Samuel had circulated the previous year. What was most notable about the conditions, however, was the extremely pointed omission of the BBFC. Clause three stated that '[f]ilms which have been examined by any persons on behalf of the licensing authority shall be exhibited exactly in the form in which they were passed for exhibition'.<sup>46</sup> The message from the Home Office to O'Connor was very clear, that the BBFC was on probation and had to prove itself before the Home Office would support it – otherwise it could easily be replaced.

The first step in that approval came later in the year with the publishing of the NCPM report. While it expressly suggested that official censorship was desirable, and that stricter censorship was necessary, the report concluded that the BBFC was exercising stricter censorship than it had in the past.<sup>47</sup> In part this was most likely due to O'Connor's public pronouncement to the NCPM of forty-three rules, which in his own words were 'laid down' by the BBFC and which subsequently became known as 'O'Connor's Forty-Three'. In fact the rules were not rules at all, and were not developed by O'Connor. What he gave the hearing was merely the list of scenes against which exception had been taken by the Board as listed in the 1915 Annual Report. Reading the NCPM report now, the so-called 'rules' make no sense because they are merely a list of things such as 'Indecorous dancing'.<sup>48</sup> At no point does O'Connor give some sort of qualifying statement such as 'A film must not contain'. However, the formalising of these criteria into a set of rules indicated that O'Connor was adopting a more proactive stance. The NCPM report concluded that in general the cinema was not a threat to public morality.<sup>49</sup> While this was not a ringing endorsement of the BBFC, it was an endorsement of cinema in general and at the heart of that was the need for stricter censorship. O'Connor's rules were already a step in the right direction.

In December 1917, shortly after the publication of the NCPM report in October, the Home Office agreed to contact once again the local authorities to get a general picture of what procedures they had in place regarding the censorship of films in relation to the provision of licences.<sup>50</sup> It did so in response to the recommendation by the NCPM that government censorship should be considered; but the promised letter was not sent until two years later. The formal reason given for the delay was simply 'pressure of work' and while the final year and immediate aftermath of World War I was no doubt a busy time, the decision to delay is a measure of both the lack of general interest in the issue of censorship in the Home Office at the time and