

WRITTEN REASONS FOR DECISION SECTION 12

TITLE OF PUBLICATION: The Passion Of The Christ

OFLC REF:400212

HEADNOTE

Type of Publication:	Film 35mm
Title of Publication:	The Passion Of The Christ
Other known title:	Not Stated
OFLC Publication Reference No:	400212
Decision:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
Display Conditions:	Nil.
Descriptive Note:	Brutal violence, torture and cruelty.

The film entitled *The Passion Of The Christ* is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years. This restriction is due to the film's treatment of matters of violence, cruelty and horror.

The film has a running time of 126 minutes and 24 seconds. It is a dramatisation of the last 12 hours of the life of Jesus Christ directed and co-written by Mel Gibson. The story is derived partly from the accounts of the apostles Matthew, Mark, Luke and John. It also contains events not found in those accounts. The film begins with the arrest of Jesus in Gethsemane, shows his trial, conviction and death, and ends with his resurrection. Most of the film, however, focuses on his scourging, his enforced passage through the streets and his crucifixion. Flashback sequences show Jesus giving sermons, meeting Mary Magdalene, as a little boy being comforted by his mother, and dining with his disciples the evening of his arrest. Satan is frequently shown passing through crowds, observing and taunting Jesus, sometimes carrying a hideous child. Many presentations contain strong Roman Catholic symbolism. All dialogue is spoken in Aramaic and Latin. English subtitles are used, but do not appear to interpret everything said.

The film deals with matters of violence, cruelty and horror under s3(1) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). Horror is occasionally conveyed through images of gargoyle-like demons associated with Satan and eerie sound effects,

lighting and music. In one scene, possessed children harass and pursue Judas Iscariot. A demon is shown lunging at him. Judas is eventually shown hanging himself from a tree beside a fly-blown rotting camel corpse. Satan is shown to produce a snake, to have a worm in his nose, and is last seen screeching in a barren supernatural landscape when Jesus is dead. While these presentations are frightening and likely to upset children, they are presented in the manner of the horror genre and will be recognised as such by adults. More viewers are likely to be horrified by the graphic violence which is discussed below.

Nothing in this film falls within s3(2). Of particular relevance in s3(3) is the extent and degree to which, and the manner in which, the film depicts acts of torture, the infliction of serious physical harm and acts of significant cruelty in s3(3)(a)(i). From the moment of his arrest Jesus is assaulted, tortured and humiliated. At times it seems that he is walloped by every passer-by. Most of the brutality is contained in three segments of approximately 20 minutes each.

In the first segment, after being repeatedly caned by two Roman soldiers to the extent that his back is covered with bleeding wounds, Jesus is scourged with a cat-o-nine tails with hooks and blades attached. In the most horrifying sequence the hooks and blades of this instrument of torture stick into his flesh before being ripped away for a new blow. His body is torn and bloodied by numerous repeated blows. The guards count each stroke. The impact of the blows is conveyed by the resulting bloody lacerations that cover the back, legs and chest of Jesus. The graphic impact is often interspersed with cut-away shots of horrified onlookers, Jesus' anguished expressions and the swinging arms of the powerful and leering guards. Jesus is finally dragged away leaving a viscous trail of his own blood. All of this is witnessed by his mother Mary, Mary Magdalene, the apostle John, and Pontius Pilate's wife Claudia who gives Mary fresh white towels out of pity.

The second segment of concern begins with Roman soldiers hammering a crown of thorns onto Jesus' head and taunting him before he is forced to carry a heavy cross through the streets accompanied by two other convicts and numerous Roman guards. On the way he is stoned and berated by onlookers. In this segment the cruelty of the guards is emphasised when he is repeatedly whipped as he stumbles along the route. Their cruelty is partly offset by the introduction of sympathetic characters, such as Simon of Cyrene who helps carry the heavy wooden cross, and a woman who wipes the blood from his face.

The third segment depicts in detail the crucifixion process. The nails are shown in close-up being hammered into his left palm. His shoulder is then pulled from its socket when his right arm is stretched to hammer a nail into his right hand. His ankles are impaled before the cross is turned over to flatten the nails on the other side of the wood. Jesus' weight would have been pulling his body from the three nails before being pressed into the ground by the cross. spurts of blood and Jesus' agony are shown throughout this scene. The three crosses are then raised. The previously passive Jesus is now more articulate. The convict to Jesus' right is promised entry to heaven, but the convict to his left has his eyes eaten out by a raven. This segment is of similar intensity to the preceding scenes but contains more religious imagery than the others. Mary, Mary Magdalene, John, Caiaphas and Satan are shown to be present at various times throughout these segments.

These segments present extensive and intense violence, cruelty and torture. Jesus is tortured beyond the endurance of an ordinary human being. Occasionally even the guards seem amazed at his perseverance, tolerance and endurance. The violence is graphic and often

appears to be gratuitous. For example, each strike of the nails into his palms is shown from different angles including, on one occasion, actual piercing of the skin. More often however a spectacle is made of the blood and gore resulting from the violence rather than the manner of its infliction.

The Classification Office considered whether or not anything in the film fell within s3(3)(e), that is the extent and degree to which, and the manner in which, the film could be read as representing that members of a particular class of the public, in this case Jewish people, are inherently inferior by reason of a ground of discrimination prohibited by the Human Rights Act, in this case, religion. In *Living Word v Human Rights Action Group* [2000] 3 NZLR 570, the Court of Appeal stated:

32. In that context there could be no warrant for reading s 3(3)(e) as importing all of the grounds of discrimination specified in s 21(1) of the Human Rights Act as stand alone topics for potential censorship. Those grounds include age, religion, political opinion, employment status, and receipt of a social benefit as well as race, ethnic origin, disability, family status and sexual orientation. If a publication dealing with a matter coming within s 3(1) represents that members of a particular class of the public are inherently inferior by reason of a characteristic of members of that class within s 3(3)(e), then s 3(3) of course requires that particular weight be given to that feature of the publication. That is the purpose and effect of s 3(3)(e) in the statutory scheme.

Section 3(3)(e) may be considered because there are matters in this film easily coming within s3(1). If the film represents that Jewish people are inherently inferior by reason of their religion, then s3(3)(e) requires that “particular weight” be given to that feature of the film. The Office is aware of media reports of concern that the film may be anti-Semitic, particularly in light of its source material, not all of which presents a consistent story. The film depicts the temple priests as instrumental in securing a death sentence against Jesus. It is notable in this respect that the people’s response to Pilate surrendering Jesus for crucifixion, that “his blood be upon us and on our children”, a passage reported in Matthew (but not in the other three accounts) that has often been interpreted as anti-Semitic, is omitted from the film. The film also presents the Romans brutally carrying out the sentence, and most Christian theologies also apportion culpability to the followers of Jesus, such as Peter who is shown in this film as refusing to intervene on Jesus’ behalf. The filmmaker has acknowledged in numerous interviews that it was never his intention to propagate anti-Jewish feeling¹.

Exercising its powers under s21, the Classification Office also interviewed five individuals of Jewish, Baptist, Roman Catholic, and Presbyterian faiths who had seen the film. Their views on the extent to which the film is anti-Semitic varied, and only one firmly stated his view that it was anti-Semitic. More concern was expressed about the graphic nature of the violence depicted in the film. Some thought the depictions of violence could overwhelm any spiritual message the film was trying to convey. None, however, thought it should be banned. The Office concludes that the film does not represent that Jewish people are inherently inferior by reason of their religion and that most reasonable members of the public are unlikely to read the film as anti-Semitic. The film omits the more inflammatory parts of the four gospels and presents as a story told in an ancient historical context.

¹ Meacham, “Who Killed Jesus?” *Newsweek Entertainment*, 16 February 2004, <http://msnbc.msn.com/id/4212741/>, last accessed 16 February 2004.

The film is a provocative and gory focus on the persecution and suffering of Christ. It cannot be said to represent how all Christians view the crucifixion of Jesus, but it does obviously represent the view of its maker. The dominant effect of this film will vary from audience to audience. Some will undoubtedly have their Christian faith reaffirmed, others will be repulsed by the graphic depictions of torture and brutal violence, still others will bemoan how little of Jesus' teachings and how much of his suffering is shown. Its effect on children and younger teenagers is likely to be disturbing and possibly traumatising. Older teenagers, adults and those possessing theological and historical knowledge will be better able to place the depictions of violence into historical and religious context.

The unrestricted availability of this film is likely to injure the public good by disturbing and traumatising children, younger teenagers and those without the knowledge required to place the depictions of extreme violence in their historical and theological context. Prolonged exposure to this level of brutality could also contribute to the desensitisation of impressionable young minds to violence. On the other hand, unlike most other films containing this level of violence, this film only depicts violence against a single person. Unlike most other films, the story told in this film is very familiar to the vast majority of New Zealanders, the more mature of whom will be able to place this presentation of violence in that context. The historical setting in which this violence takes place has little direct relevance to a modern audience. This could induce a level of detachment even amongst those few who are unfamiliar with the story. And there are few who would find the depictions of violence anything but repulsive. The film cannot be said to be entertainment in the ordinary sense of the word. Considering all of these factors, the availability of the publication is unlikely to be injurious to the public good if it is restricted to an audience aged 16 years and over. In this instance, this classification represents the minimum interference with the freedom of expression consistent with preventing injury to the public good.

Written reasons are not legally required for section 12 submissions, but it is the policy of the Classification Office to provide them.