

Decision No. 5/2000

IN THE MATTER OF The Films, Videos, and
Publications Classification Act
1993

AND

IN THE MATTER OF of an Application for Review by
The Project to Counter Stigma and
Discrimination Associated with
Mental Illness of the Health
Funding Authority of a film
entitled **ME, MYSELF AND
IRENE**

BEFORE THE FILM AND LITERATURE BOARD OF REVIEW

Sandra Moran (President)
Stephanie de Montalk
Pamela Meekings-Stewart
Bernadine Pool
Miles Rogers

MEETING at **WELLINGTON** on the 11th day of August 2000

APPEARANCE

Warren Lindberg, Manager of The Project to Counter Stigma and Discrimination Associated with Mental Illness of the Health Funding Authority. Mr Lindberg also represented the Schizophrenia Fellowship New Zealand and Mental Health Foundation of New Zealand.

DECISION

Mr Lindberg, on 30 June 2000, as Manager of The Project of the Health Funding Authority (the Applicant) and also representing the Mental Health Foundation and Schizophrenia Fellowship New Zealand, applied under s.47(2)(d) of The Films, Videos, and Publications Classification Act 1993 (the Act) for a review of the decision on the Office of Film and Literature Classification (the Classification Office). The Office had classified the

film as objectionable unless its availability was restricted to person 13 years of age and over with the descriptive note that the film contains offensive language and sexual references.

The Board had before it written submissions from Mr Lindberg on behalf of the Applicant who also appeared at the hearing and made oral submissions, as well as written submissions from the Classification Office.

The film centres around the trials and tribulations of a Rhode Island State policeman, Charlie, who after years of suppressing his true feelings and emotions and avoiding confrontation with others, manifests another personality in the form of Hank who gives vent to Charlie's pent up feelings aggressively and obnoxiously.

The genre of excess bad taste is made apparent to the viewers right at the commencement of the film in somewhat comic style when Charlie (a blonde) is about to carry his bride (also a blonde) over the threshold of their cottage. An Afro-American dwarf who has driven the couple to their cottage, launches an unprovoked and unreasonable attack on Charlie accusing him wrongly of racism and physically beating him with a baton. The attack arises out of an apparently deliberate "misunderstanding" on the part of the dwarf as to the payment of his fare. The bride, instead of defending her husband as viewers would expect, joins in the irrational verbal and physical abuse against her husband and instantly falls in love with the dwarf with whom she has three Afro-American children which Charlie accepts without grudge and pretends are his own despite the ribbing and jibes from others in his community.

These opening scenes set the tone for the rest of the film.

In his submissions, Mr Lindberg sought review on grounds which included a ground that the film is likely to cause significant harm to people with schizophrenia in particular and people with mental illness more generally. He

dealt comprehensively with issues of stigma and discrimination, of schizophrenia, of violence and mental illness, and of the role of the entertainment media in affecting knowledge and attitudes. He referred to the dominant effect of the film and the concern about mis-information. He submitted that *"by adopting the genre of romantic comedy [this film] purport[ed] to provide an insight into the life of a person with a mental illness which a documentary description of his symptoms would not provide."* He submitted that *"the love interest, and the nice identity Charlie evoke sympathy for the character, while the violent abusive alter ego Hank provides the comedy"*. In this way, Mr Lindberg submitted, the film both drew on and reinforced common stigmatising stereotypes of schizophrenia through the gratuitous association of mental illness with sustained violence, abusive language and gross sexual behaviour.

Mr Lindberg stated that the film's publicists had attempted to minimise this criticism and referred in particular to an explanation given by the main actor, Jim Carrey, in a recent publication of TV Guide in which Carrey stated he did not believe the film was a depiction of actual mental illness but rather a cartoon, that he himself had not studied schizophrenia but thought what he was portraying was more of a multiple personality disorder. Carrey had stated that he did not want anybody in the world to feel pain or be confronted by that but described the film as just a silly comedy which should not be taken so seriously.

The Applicant's submissions concluded that the film was objectionable in that (i) a person suffering schizophrenia was depicted in a way that was degrading and demeaning (section 3 (3)(c) of the Act); (ii) the dominant effect of the film was to imply that people with schizophrenia are inherently inferior (section 3(2)(e) of the Act); and by doing so, unfairly discriminates between people with schizophrenia and other mental illness ; (iii) the film was especially objectionable because its target audience is young people (section 3(4)(d) of the Act).

While the Board noted the concerns of and was impressed with the quality of the Applicant's submissions, it did not share the Applicant's view of the film.

Me, Myself and Irene is a film of the bad taste genre portrayed to excess.

Charlie, is played by Jim Carrey, the main actor who has become associated with a particular brand of bad taste humour. The film is a vehicle in which to present Carrey and his particular brand of this kind of humour.

This film could give offence to any number of groups of persons, and persons associated with those groups, including but not limited to schizophrenics and the mentally ill, Afro Americans, dwarfs (more recently referred to as little people), albinos, those concerned with animal rights, and even police and law enforcement officers.

The Board had regard to the dominant effect of the film as a whole which was a comedy set firmly in the context, style and manner of the "bad taste" class.

During the film there is use of verbally explicit and often obscene sexual references, of depictions of violence, and frequent use of obscene language. However, because they are placed quite firmly in what has become an accepted genre of "bad taste" film-making, this tempers the impact and any degree of possible or likely injury.

The Board did give particular weight, as it must, to the matters listed in section 3(3) of the Act and also the matters listed in section 3(4), in addition to the dominant effect of the film as a whole.

The Board was of the unanimous view that the use of verbally explicit and often obscene sexual references, of depictions of violence, and frequent use of

obscene language, regardless of any comic intention or bad taste setting, could have potential for harm.

Taking all matters into account and balancing all factors with care, the Board came to the unanimous view that an age restriction of 13 years was too low but that persons 15 years of age would have a sufficient level of maturity and an ability to discriminate and make the necessary distinctions within the context of this particular film. Therefore, the film should be restricted to persons of 15 years of age and over and should contain the appropriate descriptive note of "content may offend".

While the Applicant's submissions made frequent reference to the decision of the Classification Office, this review is *de novo* and the Board is required to have no regard to the decision of that Office pursuant to s.52(2) of the Act.

No onus of proof rests upon any person or body who may have an interest in the classification. Ultimately, whether a publication is objectionable or not is a matter for the "expert judgment" of the Board as referred to in s.4 of the Act.

With regard to the New Zealand Bill of Rights Act 1990, the Board followed the five step procedure set out in the judgment of the Court of Appeal of New Zealand in the case of *Moonen v Film and Literature Board of Review* which was delivered on 17 December 1999. The Board's application of the criteria to this film are consistent with the provisions of ss.5 and 6 of the Bill of Rights Act because it results in a reasonable restriction which is no more than is necessary to prevent injury to the public good. The classification which the Board has imposed on the film is a reasonable limit, as can be demonstrably justified in a free and democratic society.

Conclusion

The Board therefore classified the film **ME MYSELF AND IRENE** as "objectionable unless its availability is restricted to persons 15 years of age and over" within the terms of the Films, Videos, and Publications Classification Act 1993, to be accompanied with the descriptive note "content may offend".

DATED at Wellington this 17th day of August 2000.

Sandra Moran
President, Film and Literature Board of Review