

## **2) Contemporary Media Regulation**

### **Examiner's comments**

In relation to the mark scheme this candidate achieves the top of level 3 by adapting their learning to the chosen question, making some connections in order to present a coherent argument, utilising well chosen examples and dealing with relevant media policy. The BBFC and PCC are well handled, contrasting 'case studies' and the candidate is able to contextualise both – historically (eg the BBFC's adapting of the discrimination criteria in recent times) and with regard to the future (the challenges provided by web 2.0 for regulation). Some relevant textual examples are discussed – *Dark Knight* and *Child's Play* which is at least qualified by a disclaimer in terms of the validity of this case and not taken as evidence of harm - a common problem with 2 scripts. John Terry and Jan Moir are both dealt with sensibly in relation to the issue at hand. The Digital Economy Act is discussed, providing contemporary policy awareness. For a higher mark, this script would be enhanced by a more explicit engagement with media theory relating to audiences, effects, notions of protection and responsibility. There are no references to academic writing or research and that undermines the quality and prevents access to the level 4 mark range. In relation to the prompts provided in the specification, which are used as the key drivers for examiners in the marking scheme, this candidate is able to discuss the nature of contemporary media regulation in comparison to previous practices; deal with some of the arguments for and against regulation and the strongest area is the analysis of the relative effectiveness of each example. However, the wider social issues relating to media regulation need to be explored through attention to key media theories and these are absent.

## Candidate Answer

Contemporary media regulation has changed over nearly a century of it being put in place. There are several reasons surrounding this including social changes and the vast expansion of new technologies. When looking at contemporary media regulation two of the most important practices to look at pre BBFC (British Board of Film Classification) who classify + give advice + certificates to films as well as the PCC (Press Complaints Commission) who deal with complaints in the press + online press post-publication. It is important to consider although there are problems with regulation, its effectiveness is still high considering its obstacles, and one must look at whether presently it could be done any differently.

The BBFC's effectiveness have been put in the spotlight for many years by those such as Adrian Gill who believe that either we as a society don't need regulation, or that the BBC are not regulating in the right way. Previously many of its issues were surrounding passing films at a lower certificate than the public believed it should be. When film was becoming popular with the great British public, content showing social struggle was banned as fears it would lead to unrest such as films like 'Love on the Dole'. However this just implements one of the key arguments that is "the BBFC regulate by the few and for the masses" believing they know what is best. Today things are quite different, with people from different social status' representing a broader population. Another issue which came up in the past but is still relevant today is cutting a film to lower a certificate which may in fact change the meaning altogether, making it worse. A classic example of this was "Henry" which was cut to be passed at 18 but made the context of the situation in the film worse. Twelve of the 13 issues the BBFC look at when regulating a film still stand today from when the BBFC was first set up in 1913. The addition of number 13, discrimination, shows that the BBFC are adapting to a wider social change. However there are still many issues surrounding their effectiveness today. If you look at films such as "The Dark Knight" (Christopher Nolan 2008) which was promoted poorly to child friendly places and passed as a 12A but received handfuls of complaints from parents who deemed it too frightening for their young children that they took to see it, this is why the BBFC operate a website for parents giving classification information on every film they have regulated.

The introduction of the 12A in 2002 was a very effective move by the BBFC who received complaints when 'Spiderman' (2002, Sam Raimi), a children's comic, received a 12 certificate they decided to introduce the 12A certificate allowing children under 12 to be accompanied by an adult. However 12A does not apply to home videos. Videos are more easily accessible in the home by young children who could be considered to be impressionable. In 1994 the Video Recordings Act adapted to include the 'Harm Test' after it was said that the murderers of Jamie Bulger in 1993 watched a horror film (Childs Play 3) and 'copied' parts. Whether this is true or not, one must consider whether we can in fact be 'harmed' by something we watch, or are we sensible enough to make a distinction between fiction and reality.

The PCC have proved effective over the years in dealing with complaints in the press, however in recent years I believe are less effective. This is partly to do with the nature of post-publication as whether a newspaper apologises or not, the information is still out there. This is clear in one example where the Mail on Sunday printed detailed information about author J.K Rowling's home. They gave the argument that the information they gave was already online for people to see. But by printing it in a Sunday paper, people don't have to look for it, it is there, however this information cannot be taken back.

The rise of the celebrity has meant more people are going to the courts rather than going through the PCC. Examples such as John Terry who took out a legal injunction to stop newspapers printing an article about him adultery but the courts believed it was in the public's best interest for the story to be released. The issue of privacy vs public interest is

always an issue. An important case to remember is that of the death of Princess Diana who was ambushed by photographers which at one time was believed to be the cause of her death with headlines such as "Press killed the Princess." This has led to issues with harrassment being taken more seriously.

The PCC are not wholly effective as they cannot deal with matters of taste + decency. When Jan Moir wrote a fairly distasteful article about Stephen Gately shortly after his death the PCC received more than 20,000 complaints, which was the most that they had received, however could do nothing as it regarded taste issues which aren't covered in the PCC code.

The biggest issue with effectiveness today is how to regulate the web and the rise of web 2.0. For both film + press this is a new development which the PCC + BBFC are trying to tackle. It is far too hard to police films online with users, no matter what age, having access to almost any films and with downloads at an all time high with films such as 'Watchmen' (2009) receiving over 16,000,000 downloads. This has led to a move by the govt and the introduction of the Digital Economy Act 2010 which will cut the internet of those illegally downloading. I don't see this an effective method as people will always fins a way around it, or worse have resentment and so stop paying for media altogether.

However the BBFC have started to regulate some websites, giving their 'stamp' of approval and even beginning to regulate films which are only put online.

The PCC is a harder issue when it comes to the web, with the rise of 'we media' and utilizes journalism which provides user generated content and up to the minute feeds on current events. A key example of this was during the 2009 Iranian Protests, when the death of Neda was captured on video and streamed all around the world. The rise of social networking sites and blogs mean the people no longer need the press, nor do they themselves need regulating. A comment on twitter could be sent out to over 1000 followers who are instantly informed, such as what happened with the Hudson River crash. Although the PCC do regulate press sites I believe it is them, rather than the BBFC who are more in trouble concerning new technology.

Overall the effectiveness of both the BBFC and the PCC has stayed relatively the same because for the ways in which it has improved more problems have been presented. The changes reflecting broader social issues has made both more effective as both have had to adapt alongside society. However the rise of web 2.0 looks damaging for regulation as the web is so vast and therefore so hard to control. Evidently people will try and find ways around regulation, as they have done for years and years, and the BBFC and PCC are both doing as good a job as they can considering the circumstances.

EAA 15  
EG 14  
T 7