

Memorandum

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From: Krisada Tawee

Subject: Policy Briefing

Censorship Policy

Thailand has a long history of movie censorship. Under the 1930 Film Act, any movie that wants to be shown in public theaters in Thailand must be submitted to the Film Censorship Board for official approval. However, the policy that should be benefit society as a whole has been criticized that it represents a dictatorial behavior, threatening freedom of speech and restricting freedom of choices.

Recently, there is a three-part coalition among movie companies, the media and some think tanks trying to replace the cut-or-ban system with the film rating policy, which currently the Cabinet already agrees and proposes it to the Houses of Parliament.

However, there is hidden benefit behind the new policy that public officials realize and provide such information to the executive and legislature. Bear in mind that bureaucrats are experts and know what is the best solution, I predict that the censorship system will remain untouched for a few years. And then the film rating policy will replace it when everything is ready for the new system but not now.

Censorship Policy

Censorship is a policy to help maintain public unity, and reasons for censoring films encompass “violating moral and cultural norms and disturbing the public order and national security”. Under the 1930 Film Act, any movie that wants to be shown in public theaters in Thailand must be submitted to the Film Censorship Board for official approval (www.wikipedia.org). However, the policy that should benefit society as a whole has been criticized as a symbol of authoritarianism.

Once in Thailand, I had spent seven years of my work life, from 1997 to 2004, as a censorship officer which I played two fundamental roles:

1. As a member of the censorship committee, I had to vote to agree or disagree whether movies would be allowed to the public.
2. As a censorship officer, I took responsibility as a host to hold conferences, inviting members of the committee to watch movies and giving them guidance on how to judge movies.

For several years in this duty, I realized that there were a lot of negative opinions toward decision-making of censoring movies. Recently in 2007, an independent film, “Sang Satawat” (“Syndromes and a Century”), was in trouble that the board would allow the movie to the public if four cuts were made. But the director of the movie refused such a decision and said

“I, a filmmaker, treat my works as my own sons or my daughters. When I conceived them, they have their own lives to live. I don't mind if people are fond of them, or despise them, as long as I created them with my best intentions and efforts. If these offspring of mine cannot live in their own country for whatever reasons, let them be free. Since there are other places that warmly welcome them as who they are, there is no reason to mutilate them from the fear of the system,

or from greed. Otherwise there is no reason for one to continue making art ”

(<http://www.petitiononline.com/nocut/petition.html>).

This is not the first time for such an incident. There have been controversies over the censorship policy that there should be a better way to replace the cut-or-ban system. To analyze the political environment of the policy issue, I will provide the information of policy cycle, identify and examine stakeholders and policy process models, and then predict what will happen in this policy issue.

Policy Cycle

Censorship policy is mentioned in the articles 39, 40, 41 in the 1997 Constitution of Thailand, stating that “censorship may be imposed to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent criticism of the royal family and insults to Buddhism. In addition, criticism of the King is banned by the Constitution” (www.wikipedia.org).

At the beginning movies came to Thailand in the reign of King Mongkut (Rama VI), and the King was the one who watched and then released them to the public. Until 1930, Thailand enacted the law of censoring movies, under which theater owners and broadcasters must submit movies that want to be shown in public theaters to the Film Censorship Board for official approval (Tawee, 1999).

The Censorship Section of National Police was responsible for screening films and videos until September 2005, when the government's Ministry of Culture took over the function (www.wikipedia.org). However, the 1930 Film Act is still in use today, and puts all films, VCDs and DVDs at the discretion of the Censorship Board prior to public release.

The Board includes “officials representing the Ministry of Education, the Ministry of University Affairs, the military, the Department of Religious Affairs, and the Ministry of Foreign Affairs”(www.wikipedia.org). Its main responsibility is to examine movies and remove parts or even ban the whole film which are considered offensive, immoral or politically dangerous before showing them to the public (Tawee, 1999). Each film passed by the censors has to include “a stamp on each reel, and each item of printed advertising has to contain the stamp, too” (www.wikipedia.org).

In doing so, the Board, composed of 18 representatives from public and private organizations including my unit which used to be the host, watches movies and then holds a conference to make decisions whether movies will be allowed to the public by using the censorship law as a guideline.

According to the office of the Film Censorship Board, “of the 230 films submitted for review in 2002, 1 was banned. Out of the 282 films submitted for review in 2003, 4 were banned - 3 South Korean and 1 American. Officers at the censorship board cited sexual situations and nudity as the main reasons for banning the four films” (www.wikipedia.org).

From my experience, the story of Anna Leonowens and King Mongkut (Rama IV) was one of the movies prohibited from showing in Thailand. Two versions of this movie, entitled—The 1956 musical *The King and I*, and the 1999 movie *Anna and the King*—were banned for the reasons that several scenes of the history were distorted and offensive to society as a whole.

Censorship Board member Thepmontri Limpayom castigated the film, saying: “The filmmakers have made King Mongkut look like a cowboy who rides on the back of an elephant as if he is in a cowboy movie. In one scene Chow Yun-fat pushes the king's crown and his portrait down to the floor—that's totally unacceptable.” Another board member added: “If we cut

all the scenes which we consider mock the monarchy it would only run for about 20 minutes”
(www.wikipedia.org).

More recently in 2006, the movie, the Da Vinci Code, aroused controversy between Christian groups and the movie owner, Sony Pictures. While the Christian groups wanted it to be banned for the reason of religion, Sony Pictures said that it would pull the film if the committee cut it. Finally, the censorship panel then voted 6-5 that “the film could be shown uncut, but that a disclaimer would precede and follow the film, saying it was a work of fiction”
(www.wikipedia.org).

In 2007, the Board made a decision to make four cuts in the independent film, Syndromes and a Century. The scenes depicted, for example, a Buddhist monk playing guitar and a physician kissing and trying to make love his girlfriend. Director Apichatpong Weerasethakul didn’t want his film to be cut and contacted the Board to withdraw his film from release in Thailand. However, the Board refused to return the print unless these four cuts were made.
(<http://www.petitiononline.com/nocut/petition.html>).

As a result, the refusal of returning the uncut version of the movie has provoked controversy over the censorship policy. People, NGO workers and scholars have shared their disagreement over the seemingly arbitrary censorship policy, which they regard as a form of oppression that the state employs to restrict the people’s freedom of expression. In their own words, “the Thai Censorship Board still operates on the basis of antiquated legislation dating from the Film Act of 1930, which was the time the country was still ruled by Absolute Monarchy”
(<http://www.petitiononline.com/nocut/petition.html>).

The director of this movie filed “the Free Thai Cinema Movement Petition” to the National Legislative Assembly and the Thai government. He also created a website at

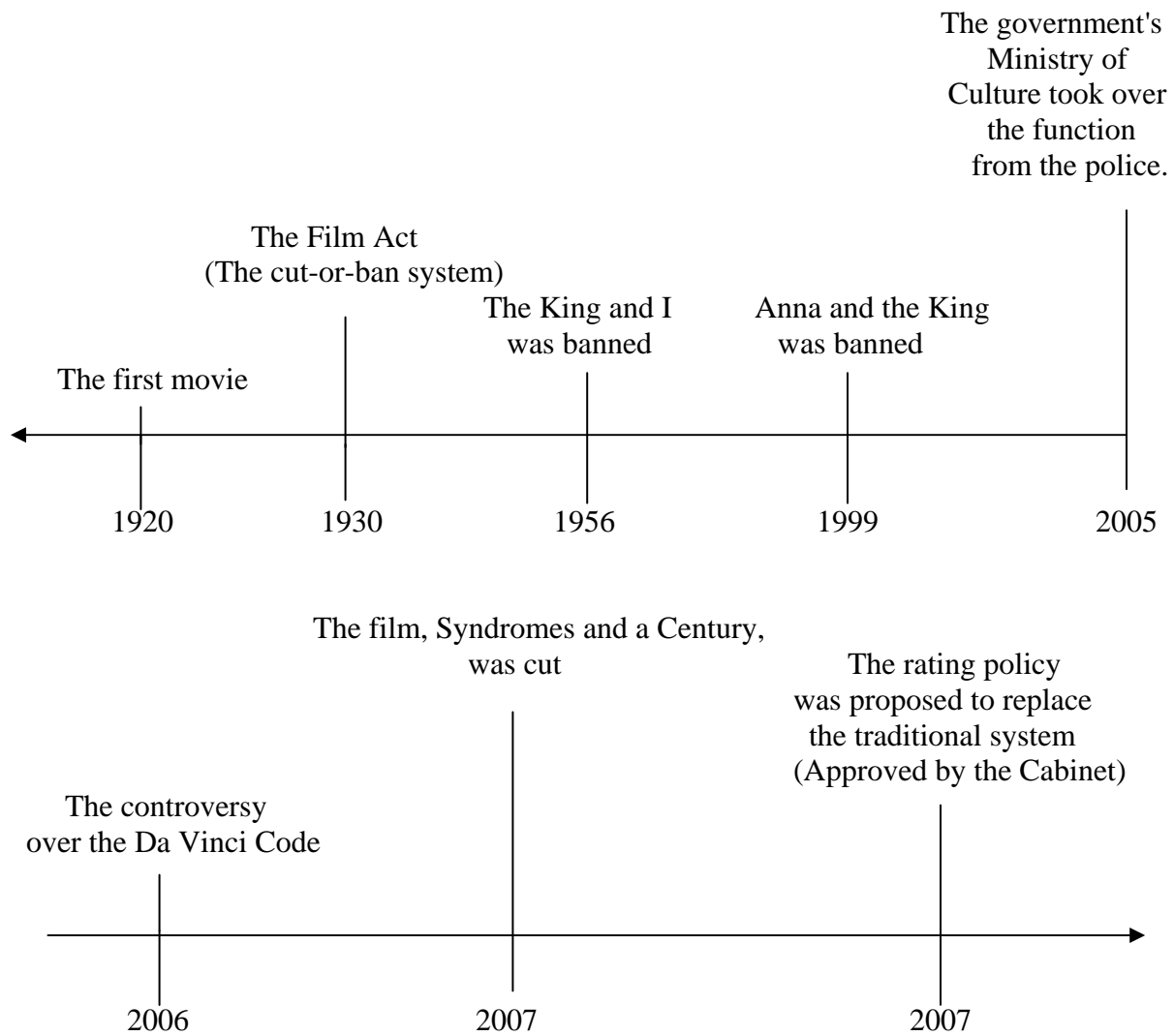
www.PetitionOnline.com to gain public support. Consequently, there were several seminars, holding to find a better way of censoring movies, resulting in film rating policy (<http://www.petitiononline.com/nocut/petition.html>).

The crucial change in the film rating policy is to transfer the authority from the government to the movie owners in order to create their own rating system and then give ratings to films by themselves (<http://www.petitiononline.com/nocut/petition.html>). However, the film rating policy is not entirely new. There have been movements to replace the traditional system with the film rating for many years. Since I was a long-time member of the Board, I remember that the media, interest groups, directors, scholars, and movie companies have been constantly stirred up debates between the traditional censorship and the film rating system.

There were a lot of seminars, reports and news trying to convince people that the film rating policy was a better choice. They already proposed the policy to the Houses of Parliament, but the biggest change was that the government's Ministry of Culture took over the function from the National Police, and the censorship system still remained the same.

Nonetheless, with the latest attempt, the current status of the film rating policy is now in the policy adoption stage, accepted by the Cabinet as a rough draft to propose to the Houses of Parliament (<http://www.matichon.co.th/breaking-news>).

Timeline: Movie Censorship



Stakeholders

The policy players in this case are multifarious. We will start to clarify them in order from the top of the table to the last one.

Players		Preferences	Primary stages	Power
Formal	Informal			
	Citizens	Self interest	Agenda setting	Election and litigation
	Interest groups	Group interest	Agenda, Formulation	Money
	Think tanks	Personal values	Formulation, Adoption	Expertise
	Media	Public service	Agenda, Evaluation	Public attention
The legislature		Re-election	Adoption	Formal authority
The executive		Re-election	Agenda setting	Formal authority
Bureaucracy		Serve the public	Implementation	Technical expertise

* From PA 715 class

Citizens—In the case of the censorship policy or the film rating policy, citizens play the role as supporters, not main characters. Normally, they could wield their power through legislature and executive elections or litigation for their demands. But in this case even though the policy issue seems significant to society, only some groups of people want to make a change. There is still a conflict whether the censorship or rating is the right policy for society. Then citizens in this case do not create their own group to push their need but play the role as supporters by posting opinions on the Internet and attending the seminars.

Interest groups—In this case, interest groups are movies companies. They don't want to accept the censorship policy but instead propose the film rating policy to replace it. Regularly, interest groups have the most influence on the agenda setting and formulation in the policy

process. In order to get or protect group interest, they could wield their power through expert knowledge, money, mass mobilization, protesting and litigation. In this case, the movie companies create their own group, trying to force the Thai government and legislature to accept the film rating policy in which they can manage their own system. They exercise their power by holding the meetings and using the media to provoke reactions from people and the government.

However, there is still a conflict among them. As I realize, not all movie companies agree with the film rating policy because the hidden issue behind the policy is about the benefit of whoever implements it. As a former censorship officer, I had exchanged opinions about the film rating policy with many movie producers and owners. Some of them expressed concern that the reason why movie companies want to change the policy is that they would be able to control the movie market. With the film rating policy, they can create their own rating system, and then give ratings to movies by their own criteria.

Think tanks—There are many controversies among scholars about which policy is right for society. Actually, they apply expertise to influence the policy on the formulation and evaluation process. In this case, Even though some of them agree with the film rating policy, still someone points out that Thai people are not ready for the new system due to uneven education of the population.

The media—They are crucial players in the case. The media have the most influence on the agenda setting and evaluation. They convey the public pressure to influence members of Parliament and the government. By exposing information to the public, the media can shape, frame and even speed up policies. In this case, the media cooperate with the interest groups to influence the government, legislature and society to adopt the film rating policy. They draw

public attention by recounting the details of how bad the traditional system is. And they keep heating public pressure by reporting what is going on with the film rating policy.

However, not all media agree with the new policy. Some of them insist that the censorship policy is still effective and appropriate for today's society.

The legislature—In this case, there are both representatives and senators, dealing with the situation. Regularly, members of Parliament have formal authority in the policy process in which they have the most impact on the adoption stage.

Nonetheless, they didn't pass the film rating policy in the past because they were concerned about people who lack education and experience to distinguish between reality and fantasy.

The executive—This group is comprised of the Prime Minister, the Cabinet and the executive involved. Normally, they have the most influence on the agenda setting and the implementation stage of the policy cycle. They have authority as formal decision-makers in the policy process and as commanders of bureaucracy. In this case, I believe, the Cabinet was pushed by the interest groups to propose the film rating policy to the Houses of Parliament.

Bureaucracy—This group has the most influence on the implementation. They are experts in their own field and know what is the best for policy solutions. In this case, they are the most significant actors in preventing the film rating policy. Their motivation is to serve the public in that they feel they should protect society from the interest groups, which try to gain more profits from people. The film rating policy will allow the movie owners to manage their own system, which tends to be subject to bias and self-interest. Therefore, they provide the executive and legislature with a lot of useful information to compare between the positive and negative effect from the film rating policy to society as a whole.

From the case, the main conflict among the policy players is to choose between the censorship and the film rating policy. It is an issue of the conflicting goal that while the interest groups hope to replace the traditional policy with the film rating policy for the purpose of group interest, the government and legislature are still concerned about what will happen to society if implementing it. As a result, there are checks on powers. The interest groups create the group and use the media to put pressure on the government to speed up the policy process by reporting every step of the film rating policy, whereas bureaucrats provide in-dept information about hidden benefit behind the new policy to the government and legislature to be realized.

Given the above analysis, the most influential players for the case should be bureaucrats since they are experts in their own area and know what should be the best solution for now. With the attempt from bureaucrats to protect society from the interest groups, I believe the film rating policy will not be adopted.

Process models

The model of the policy process that best describes the movie censorship and film rating issue is “Group theory.” Professor Sheldon Gen mentioned this theory in theories of power in the policy process that “it is rational for individuals of like mind to form groups to act collectively,” and “together they can influence policy.”

Also Theodoulou and Kofinis (2004) stated that “the term interest group is used to describe a divers set of political groups,” and “the influence of an interest group is based on its ability to effectively mobilize, organize, utilize fiscal and political resources, and focus its attention to a given issue within the political arena” (p. 70). And as mentioned by Schnattschneider and Lowi, mentioned in Theodoulou and Kofinis (2004), “interest groups have undue power in the policy

process and often structure formulations that reflect their interest rather than the common good” (p. 137).

With the aforementioned theories, we can describe that the new policy issue occurs from unsatisfied feelings toward the traditional movie censorship. To protect their own interest, the movie companies create their own group and exercise their power through expert knowledge, money, mass mobilization, and protesting. There is a three-party coalition among the movie owners, the media and some think tanks forcing the government to accept the film rating policy as a rough draft to propose to the Houses of Parliament.

As I mentioned, the movie companies try to protect their own interest and gain more profits from society. Therefore, there are a lot of controversies on the film rating policy about what the society gets from the new policy and whether Thai people are ready for such a new system.

The model that fits well for this policy issue should be “Institutionalism.” According to Professor Sheldon Gen, “in Institutionalism, policies are developed by the formal institutions charged to do so” and “formal players are legislators and executives.” Also Theodoulou and Kofinis (2004) mentioned that “Institutionalism is focused on actor-centered institutionalism and on how the policy process can be understood as an interaction between the rational actions of individuals and groups” (p. 83).

Therefore, this policy issue should start from street-level bureaucrats who know best in the policy problem to the executive and then legislature. In my opinion, this model fits well for the policy because the policy issue flows directly from implementers to policy makers.

The policy process model that does not fit at all to this issue’s process is “Subgovernments model.” By definition, the Subgovernments model means “sections of government have alliances with interest groups” (PA 715 document). However, this policy issue occurs from the conflicting

goal between the government and business companies. While implementers try to protect society from improper culture, the movie companies think that the traditional censorship policy threatens freedom of speech and restricts freedom of choice. While the government realizes that a lot of people lack education and experience to judge what they see, the movie companies try to convince that it is their right to choose what they want to see. Therefore, this model doesn't fit at all because there already is a conflicting goal between those two players.

Prognosis

The censorship policy and the film rating policy are to help maintain society. While the censorship might be dictatorial, the film rating would not work well with the society for now.

This policy issue has been on the center of arguments more than 30 years. The incident that the interest group forces the government to accept the film rating system happened before in the past. From my experience, the 1930 Film Act provides authority to censorship officers in cutting or banning films that violate moral and cultural norms, and disturb the public order and national security, and it still works well even now.

I did a thesis for my master's degree, entitled, "The attitude of people toward movie censorship in Thailand". And the result indicated that most people don't understand the meaning and the method of censoring movies, but they agree that it helps maintain unity of society. At the same time, they don't care much about changing the censorship to the film rating system so long as it can maintain public order and morals.

The film rating policy is issued from the interest groups. They create their own group to protect their own benefit by saying that it is for freedom of speech and choices. They use the media and think tanks to help ensure people that the film rating policy is right and important. They hold seminars and create a communication network to force the government to accept and

propose the film rating policy to the Houses of Parliament. This incident indicates the group theory in the policy process that it is rational for individuals to form groups to influence policy.

However, this issue is far from concern of most people because not all of them realize the impact from the censorship or the film rating policy. And there is still a conflict whether the censorship or the film rating is the right system for today's society. Also the way the interest groups propose the film rating policy is obviously to protect their own interest. The hidden issue behind the film rating policy is that they can gain more profits by showing whatever movie they want to the public. But this secret issue is in a matter of concern for public officials involved, and they try to provide this information to the government and legislature to realize what should be the right policy. In my opinion, the film rating policy will not be adopted, and the censorship system will remain untouched for a few years. Later on after everything is ready for the new system, then the film rating policy will replace the traditional system but not now.

Reference

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