

# European Commission of Human Rights: Nigel Wingrove against the United Kingdom

**IRIS 1995-5:1/2**

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The case concerns the refusal of the British Board of Film Classification to grant a classification certificate to the British applicant for an 18 minute video film he made, entitled "Visions of Ecstasy", because it was deemed to be blasphemous.

Sir Nigel Wingrove complained that the refusal of the British Board constituted an interference with his right to freedom of expression, including the right to receive and impart information and ideas, as guaranteed by Article 10 of the European Convention on Human Rights.

The video work contains no dialogue, only music and moving images. The idea for the video was derived from the life and writings of St. Teresa of Avila, the sixteenth century Carmelite nun and founder of many convents, who experienced powerful ecstatic visions of Jesus Christ. According to the Board, the mingling of religious ecstasy and sexual passion may be a legitimate concern to the artist, but it becomes subject to the law of blasphemy, if the manner of its presentation is bound to give rise to outrage at the unacceptable treatment of a sacred subject. It is the reason why the Board concluded that the video infringes the criminal law of blasphemy and that a reasonable jury properly directed on the law would convict accordingly. The 14 minute second section of the video work portrays "St. Teresa" having an erotic fantasy involving the crucified figure of Christ, and also a lesbian erotic fantasy involving the "Psyche of St. Teresa". It begins with the nun, dressed loosely in a black habit, stabbing her own hand with a large nail and spreading her blood over her naked breasts and clothing.

The Commission emphasises that the non-admission of the video results from a decision which was untested by a jury or court.

Moreover it did not concern a feature film but a video of unusually short length of which the fleeting parts which were deemed blasphemous were less prominent than those criticized in the film *Das Liebeskonzil* (Council in Heaven). Therefore, the distribution of the applicant's film would necessarily be more limited and less likely to attract publicity. In regards to the film *Das Liebeskonzil*, the European Court of Human Rights decided on 20 September 1994, that the seizure and forfeiture by the Austrian authorities was not a violation of Article 10 of the European Convention on Human Rights ( see IRIS 1995-1: 3).

Furthermore, the Commission believes that it is unlikely that members of the general public could unintentionally find themselves viewing the video in the same way as they might walk into an art gallery or cinema, or browse through magazines: a person would have to make a conscious decision to view the video.

The Commission also does not consider the possibility that certain Christians might be outraged by the thought that a film like this was on public sale and available to those who wished to see it, a sufficiently compelling reason to prohibit its lawful supply.

Finally, the Commission indicates that the Board of Film Classification could have restricted the circulation of the video by giving it an "18" certificate, which would have limited its viewing to people over the age of 18.

The case is now pending at the European Court of Human Rights.

***Report of the European Commission of Human Rights adopted on 10 January 1995 on the basis of Application No. 17419/90, Nigel Wingrove against the United Kingdom.***

