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## The Concept of Cinema Freedom \*

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### Abstract

In this paper, the concept of cinema freedom is explained, and its comprehensive definition is presented within the limitations on the form and essence. First, based on these definitions, the dimensions of cinema freedom which include the freedom of screening and expression and freedom of work are depicted. The question of “what is cinema freedom?” is examined by implementing descriptive-analytical methods. The cinema freedom is defined as when each person or group is able to publish a cinematic artwork with any thoughts or beliefs. Based on the restrictions of freedom of screening and expression and freedom of work, the limits of cinema freedom are categorized into form and essence limitations. It should be noticed that different countries are applying these limitations in different ways.

**Keywords:** Cinema, Freedom of expression, Freedom of work, Cinema freedom, Restrictions on cinema freedom.

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## **Introduction**

To clarify the concept of cinema freedom, which is the final goal of this research, first the definitions of freedom are investigated. Then, considering the nature of the art-industry of cinema, the human rights dimensions and cinema freedom are explained. At the end, in addition to providing a definition for cinema freedom, the limitations of recognized liberty are addressed.

This research seeks to answer the question of “what is cinema freedom?” and “what are its limitations?” In this regard, the research is developed by implementing descriptive-analytical methods. The following hypothesis is made to ease answering these questions, “cinema freedom means that everyone, alone or with a group, should be able to transform an essay or thought into a cinematic artwork, based on the supports that these rights and freedoms made in legal systems.” Its limitations include the restrictions on hiring special persons (formal constraints) and restrictions on content (the inherent constraints).

This research has three parts. In the first part, the concept of freedom and its place in the human rights system is addressed. Then, in the second part, the dimensions of cinema freedom are investigated and in the final part, the concept of cinema freedom and its limitations are presented.

### **A. The Concept of Freedom and its Place in the Human Rights System**

In order to explain the concept of freedom, it is important to note that it is necessary to differentiate between the concept of freedom and the concept of free will, and not consider the two equally. The word Freedom has a broader and deeper meaning of the term Liberty, and includes all the realms and areas of human rights, and is often seen in the form of a combination of "fundamental freedoms" that express freedom which is absolutely necessary to maintain and protect human dignity in organized societies and has been accepted as minimal support (Hayek, 2013), but the term Liberty is more in keeping with the political rights and freedoms of citizens.

Conceptual freedom must be an assumption, then freedom can't mean free will, perhaps there are beings with free will but no freedom, like human beings in autocratic societies under the sovereignty of the totalitarian regimes which having the same attribute of free will does not have the freedom to decide on the free will and do many things (Rasekh, 2009).

In explaining the concept of freedom, two types of concept of freedom as negative and positive freedom has been studied. The negative notion of freedom is based on the assertion that when we say that a person is free to do something, it means that there is no obstacle in his way in doing that. Freedom in this sense means not being barred, so as long as someone does not prevent the subject from engaging in the action, he is free. Such a concept of freedom is also interpreted as "freedom from". Freedom means freedom from obstacles and restrictions, barriers and constraints that deliberately and unjustifiably prevent the optional conduct of actions (Marmor, 2010; Rasekh, 2009).

Negative freedom in the field of civil-political rights means that there is no lack of prohibitions and restrictions on the exercise of will, so the more prohibitions and restrictions are, the less liberty will be and ultimately, it can lead to the complete abolition of liberty and even human slavery.

The positive meaning of the word freedom comes from the will of the individual for being his own master. I want my life and my decisions to be dependent on me, and not dependent on forces and external pressures, it does not differ, that's what the outside pressure and exertion would be. I would like to be my own means (will), not other people, I would like to act with my free will. I would like to be the agent and not the instrument of the act of others, I want to move on the basis of reason and wisdom, and the goals that belong to me, and not the causes and factors that are outside of me (Ghari Seyed Fatemi, 2003).

Here we are faced with a positive concept of freedom that, in describing freedom, does not adequately address the issue of non-impediment, but also the existence of certain elements and conditions; it also interprets this concept of freedom as "freedom in".

In this sense of freedom, that is, freedom in performing a certain act and success in achieving a certain goal, freedom means having the power or ability to do things that we can share with others. In an interpretation, if negative liberty is to be free from exercising political power by others, positive liberty means the ability to exercise political power by the individual himself (Rasekh, 2009; Yong, 2004).

The international human rights system has created a legal and legitimate instrument to ensure maximum freedom for humans in relation to the community and seeks to bring about the recognition of certain rules and norms and to put in place mechanisms to monitor compliance with these norms in order to prevent the illegitimate constraint on the freedom of individuals and develop the scope for the liberation of individuals. Hence, a glimpse into the documents in the human rights system represents an emphasis on human freedom and the provision of many fundamental freedoms. As an example, the Article 1 of the Universal Declaration of Human Rights (1948) emphasizes the free birth of all human beings. The same is stated in Article 8 of the International Covenant on Civil and Political Rights (1966), Article 6 of the European Convention on Human Rights, Article 5 of the American Convention on Human Rights, and Article 4 of the African Statement on Human and Peoples' Rights.

Many examples of fundamental freedoms are also in the form of rights such as the right to freedom of expression, the right to freedom of religion, the right to freedom of assembly, communities, parties and associations, the right to freedom of thought, belief, etc. in the human rights system and the documented texts have been recognized (Fleischacker, 1999).

## **B. Dimensions of Cinema Freedom**

In order to identify the dimensions of cinema freedom, we must revisit the definition of cinema. Accordingly, cinema is a branch of art in which a story is displayed by a sequence of moving images recorded on the celluloid tape (Bresson, 2016).

The problems that can be attributed to this definition are that, firstly, cinema is a performing art, so it can be seen in the form of freedom of representation, and, secondly, people that are working in this art-industry and make an income through it. Therefore, it is possible to examine the issue of business freedom, and thirdly, this art-industry seeks to express its content in terms of sound and image in a manner that is specific to itself. Freedom of cinema can also be considered from the point of view of freedom of speech, which is the most important issue after the cinema freedom and will be further discussed.

### **I. Freedom of Screening and Cultural Rights**

#### ***Freedom of Screening***

Freedom of thought includes the freedoms that relate to information, thought, conscience, belief and expression in various ways, such as dialogue and speech, press, radio and television, education and display by citizens (Abbasi, 2011).

Freedom of screening, a kind of intellectual freedom, plays an important role in the expression and dissemination of ideas, thoughts and culture. Freedom of screening is related to freedom in the field of theater, cinema, puppeteer show, circus and music concerts. The legal system of the show is different in its type, and its primary purpose is to entertain the spectators. Freedom of representation in Article 19 of the Universal Declaration of Human Rights and Article 19 of the Covenant on Civil and Political Rights have been accepted under the title of freedom of speech and dissemination of ideas. In order to realize this right, the

government and other public institutions should pay financial contributions to individuals and institutions active in this field (Abbasi, 2011; Stavenhagen, 2003).

Although cinema is one of the many ways in which art is created, the legal system governed by it appears to be far from the cornerstone of the system of free media. Although the main activity in this area is private, the private sector does not have full freedom in this field, and cinematic activities at all stages, from production to show, are subject to various forms of licenses and administrative controls. In general, the auxiliary system, but also government organization governs cinema (Derieux, 2013).

For a long time, cinematic affairs, at every stage, from making to the show, are of a variety of state aid. These contributions are in the form of grants, benefits, toll reductions, low interest loans with government guarantees. The purpose of this state aid is to give real freedom to cinematic activities. But it is strange that this freedom may be threatened by this same path. There are many considerations and interactions on state aid to the media, as for the cinema (Carey, 1999).

In the case of cinematic films and their general broadcasting, there is a special legal system governing pre-emptive cinematic interference and control, which is basically contrary to the particularities of the free system, since administrative authorities can prevent their presentation due to the content of some films. Or at the very least, limit the forms and conditions for displaying those films (Derieux, 2013). The office can prevent the supply of shows and films that are contrary to public order, good morals, public chastity, and human dignity. The office can also ban movies for minors under 12, 16 or 18 years of age, or for children and young people. All these decisions and actions of the administration should be subject to judicial review and the beneficiary has the right to appeal to this court in case of objection (Abbasi, 2011).

Like other freedoms, freedom of representation can't be absolute and unconditional. The restrictions on this freedom, on the one hand, include respect for criminal law and, on the other hand, the requirements and limitations of public order. The shows, due to the accumulation of people in public theaters (theater and cinema), are regulated by their safety measures, which include: safety and hygiene of halls, provision of order and security among audience, technical and ethical issues of managers and the organizers of the shows, how to monitor the plays and scripts in a moral and national security, and etc. (Abbasi, 2011).

### ***Cultural Rights and the Role of Cinema in its Revival***

Cultural rights are among the kinds and types of human rights that have been neglected and discussed, to the extent that even some deny it or at least deny the duties of the government against it. However, the culture of every society forms the identity and existence of that society, and it is a matter of distinguishing humans from other entities.

Nevertheless, an important step was taken in developing the concept of cultural rights in the Covenant on Economic, Social and Cultural Rights, adopted on December 16, 1996, in addition to the relative explanation of these rights, it was imperative to take measures for their full implementation by the Governments of this Covenant. After the seventies, the importance of culture, the need for policy and the development of international cooperation in this area have been emphasized by many conferences, such as the Venice International Conference, Stockholm, and Mexico City, and other UNESCO efforts.

Culture is a set of beliefs, arts, customs, and, in general, social routines and practices that are influenced by various factors and, while introducing the identity of a community, has virtually a transferable character to the future (Hariman & Lucaites, 2007).

Some have argued that cultural rights are a part of human rights that relate to the human right to participate in the cultural life of society, to benefit from scientific development, to preserve ethics and fundamental interests in science, to acquire knowledge or artistic production, to acquire education and to preserve

cultural identity, language and customs and the traditions. Defining these kinds of rights is difficult because the definition of culture itself is not easy and, of course, because of the many differences in the definition of culture and rights derived from, it will naturally be controversial. However, international documents have tried to agree on the minimum bar. For example, Linder summarized 15 cultural rights in eleven cases in a report to UNESCO entitled "The Elementary List of Cultural Rights" in 1996 (Nafziger, Paterson, & Renteln, 2010). Right to physical and cultural rights, the right to form societies and identify with a cultural community, the right to cultural identity, the right to the material and spiritual heritage, religious freedom and practice, freedom of opinion and expression and information, freedom to choose the type of education and training, right to participate in the development of cultural practices, the right to cultural and physical environment, the right to indigenous development, the right to participate in cultural life and creativity (Nafziger et al., 2010).

Everyone, as an essential part of their humanity, has the right to participate in cultural heritage and cultural and social activities, and community officials are primarily responsible for the extent to which their facilities allow them to provide such a partnership. Also, every person has cultural rights, as he has the right to education and the right to work. This is the foundation and the first goal of cultural policy. Understanding the role of providing cultural participation means over the past decades has led government officials worldwide to speed up their efforts to ensure public participation in cultural development.

Rights and cinema discourse is based on the notion that rights and cinema are based on a common social (cultural) ground, and thus affect each other (McLeod & DiCola, 2011). But culture is a concept that its definition is very difficult and unattainable. Rather than a complete definition of common cultural areas between rights and cinema, it is sufficient to emphasize the interdisciplinary discourse of rights and cinema, the role that cinema and law have in establishing (and preserving) standard narratives and patterns of society (Couvares, 2006). Rights and cinema are narratives that interpret and make ordinary and unordinary events by creating background meanings. The two are descriptions of the model and sample of experiences (files or stories) that are tailored to the circumstances and conditions of social interaction and communication (Couvares, 2006).

Cinema and rights (along with other social activities) contribute to the organization, communication, production and reproduction of these cultural components. Legal cases (and, to some extent, thematic rules) relate to existing pattern descriptions, match each other and involve changes in them (Bonsignore, 2014). This is accomplished either by improving the elements of the story plan or, at times, by changing the general criteria. As a result, this area has long attracted the attention of experts who are interested in wider aspects of legal phenomena. This issue has settled among the interests of law and culture, which has a wider scope of rights than a set of rules, ordinances, and decrees issued; therefore, mere reading of the rules (or cases that have expressed them) does not adequately represent rights. Creating views such as legitimacy, fairness, moral rights (which are also outside the ranks of the law) play an important role because these views respect the conditions of the situation and the conditions of life: they are the main components of the standard narrative of rights (Bonsignore, 2014).

## **II. Business Freedom**

The freedom of industry and commerce, the right to choose a job or the freedom of business means the freedom of any person, whether natural or juridical, to carry out any economic activity, work, an arbitrary occupation, including art, industry, and commerce without limitation, and in this regard, the government and other people cannot stop him (Abbasi, 2011; Pollis & Schwab, 1979).

The first Paragraph of Article 23 of the Universal Declaration of Human Rights states: "Everyone has the right to work freely, choose his work freely, demand fair and satisfactory conditions for his work and be

protected from unemployment." In this article, the job and the rights for humans that are related to the occupation are mentioned. Everyone has the right to have a job. On the other hand, one cannot be deprived of his job, which means that individuals generally can't be deprived of having a job, but if the court excludes a trader from a business due to bankruptcy, this can't be the case. Depriving an individual of a job is generally prohibited by human rights and endangers his inherent rights. Everyone has the right to fair and satisfactory conditions in his job, which was largely overlooked in the traditional world and is now being undermined in the backward communities.

Also, in accordance with Article (1), Paragraph (6), of the International Covenant on Economic, Social and Cultural Rights: "The States Parties to this Covenant have the right to work, which includes the right of everyone to the opportunity to be freely chosen or accepted. Recognizing their livelihoods and taking appropriate measures to maintain this common right."

Contrary to the Universal Declaration of Human Rights, which is not binding, the International Covenant on Economic, Social and Cultural Rights is binding on the countries to which it is bound and it should be emphasized in its domestic law. Accordingly, the Islamic Republic of Iran has joined the Covenant, emphasizing these rights and freedoms in its domestic laws and regulations. Article 28 of Iran's constitution stipulates this right and states: "Everyone has the right to choose a job that he desires and is not against Islam and public law. The government has a duty to create jobs and equal conditions for all jobs, taking into account the needs of society for various jobs."

As stated, this freedom is neither general nor absolute, and within the framework of domestic laws and regulations, the government can impose restrictions on it. Indeed, given the economic and material effects of various occupations and the requirements of public order, the employment of someone, craftsmanship and industry, subject to restrictions and regulations relating to public or governmental monopolies, professional systems, principles and rules of the government program and its supervisory policies are on foreign trade and the provision and distribution of goods and services (Tabatabaei Motameni, 2003). As stated in Article 6 of the Labor Law of Iran, certain restrictions, such as those opposed to Islam, public interests and the rights of others, have been reflected.

Also, the limitations that can be noted are that some economic activities are only possible by people admitted in a professional or guild system, such as lawyers, doctors and notaries. Some economic activities are subject to certain conditions, including age, nationality, and personal qualifications, and other activities are subject to possession of certificates, certificates of no criminal record, non-drug addiction or possession of military service certificate (Abbasi, 2011).

### **III. Freedom of Speech**

The need to support freedom of speech usually is felt where a person wants to speak out against popular thought relying on social and governmental powers and to criticize the present situation, otherwise no one doubts the freedom of praise for power and this face of freedom is neither worthy nor need for protection; as such a confrontation of power and freedom, led John Stuart Mill to devote his most important work to protect freedom. In other words, freedom of speech takes on the face of a foreign person to be subject to a barrier to power. So the realization of freedom of expression depends on the feeling of duty and the necessity of expressing thought, otherwise silent freedom does not require support. Freedom of expression is essentially the first victim of human rights violations, especially since people of the press are small and vulnerable groups of society and it is easier to get them out of the scene (Katouzian, 2003).

Freedom of expression is one of the most fundamental human rights. This freedom, on the one hand, contributes to the development and transformation of human societies by helping to discover human truths, and on the other hand, it strengthens and even ensures self-flourishing. Freedom of speech is an

expression of the exercise of the right to self-determination, therefore, in the context of the theoretical framework of human extremism seems justified.

Article 19 of the Universal Declaration of Human Rights provides: "Everyone has the right to freedom of perspective, opinion and expression, including the right to freedom and expression without any interference, and the freedom to seek and investigate, receive and impart information and ideas and through the media and without regard to the territorial boundaries." Freedom of expression has a broader concept of freedom of speech. In today's societies, freedom of speech in its narrow sense is unquestionably feasible for a limited number of people. Thus, if we consider the expression in the narrow sense of writing and speaking, newspapers and the press in democratic societies are only available to a few, and the pen is also limited to some.

Today, artwork such as painting, cartoon, film, and music is a hallmark of expression (Ghari Seyed Fatemi, 2003). Experts, transfer the deep and tangible ideas to the audience in artistic forms. Therefore, one should not hesitate to include the concept of freedom of expression in relation to artistic products. It seems that the possibility of producing artistic products for many people is much more likely to be made possible than the production of intellectual, literary and verbal products. The democratic system has the need and necessity for freedom of expression. Censorship and prohibition of thinking begins with verbal censorship. It is not about censorship of expression, but the way of transferring ideas, the point is that with expression censorship, the possibility of thinking beyond the existing language templates fades away. Denying free expression and avoiding expression makes it impossible to agree on the rules of the language game (Ghari Seyed Fatemi, 2003).

Article 19 of the International Covenant on Civil and Political Rights also states in second Paragraph: "Everyone has the right to freedom of expression. This right includes the freedom to search, receive and impart all types of information and ideas regardless of territorial boundaries, whether these ideas or information are verbally, in writing or in print or in artistic form or through media group or any other device." According to the aforementioned Paragraph in Article 19 of the International Covenant on Civil and Political Rights, freedom of expression can cover all aspects of art, such as painting, photography, cinema and theater. Article 10 of the European Convention on Human Rights, while respecting the substance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, addresses the issue of restrictions of freedom of expression in the Article (Kordbacheh, 2011). Article 10 of the European Convention on Human Rights stipulates that "Everyone has the right to freedom of expression. This right includes the freedom to have a standpoint and opinion, as well as to receive and transmit information and ideas without the intervention of public authorities and without regard to the territorial boundaries. This Article does not prevent governments from requiring licenses and certificates to broadcast television programs or cinema companies."

Article 24 of the Constitution of the Islamic Republic of Iran reflects in a way the right to freedom of expression. Originally stated: "Journals and press releases are free to express themselves unless they contradicts Islamic principles or public rights. The law defines it in detail." In the way of recognizing the right to freedom of expression, the present principle differs from the content of international documents, and in addition, in a constraint which has been cited for limiting the right to freedom of expression in this principle (the foundations of Islam and public law), there are differences with the criteria of restrictions on the international arena. Normal domestic laws have also been drafted to limit the right to freedom of expression. For example, the Islamic Penal Code, adopted in June 1996 in Article 500, states: "Anyone who commits any activity against the system of the Islamic Republic of Iran or in favor of groups and organizations of the system in any form, shall be sentenced to three months to one year." In the Article, propaganda against the system is widely prohibited, and it seems to consist of activities that are detrimental to public order and contrary to national security.

In explaining the Islamic perspective, Islamic scholars have also expressed various reasons for recognizing the right to freedom of expression in Islam, including some of the reasons for recognizing the right to freedom of thought in Islam. Examples of such arguments can be pointed out for reasons that have been emphasized by Islam for thinking. With the statement that in the Qur'an, about 300 verses have persuaded people to think and reason (Sachedina, 2009). In addition, according to the Qur'an, it is forbidden to impose a belief on the basis of coercion and force (Qoran, Al- Bagharah, 256). Such arguments are very large and varied, and for the right dimension. The search and reception of necessary information has been used as an expression of the right to freedom of expression. But in order to prove the effects of the right to publish and the freedom to submit thoughts and opinions, which are another manifestation of the right to freedom of expression, they have used the verses (Qoran, Ale Emran 110, Tobeh 71, Hadj 4) and narratives that have been used to explain the enjoining good and forbidding wrong and freedom of expression. The statement that implies enjoining good and forbidding wrong is one of the religious teachings according to which every Muslim has the right to criticize the behavior of others and to invite them to do good and that such a task requires the right to freedom of expression. Verbal expression has not been mentioned in the constitution, but attention has been paid to freedom of expression in the media. Thus, one can conclude from these principles that freedom of expression has been guaranteed in Iran so far, that it is not opposed to the principles of Islam and the interests of the country. Since Iran's media and television is a government institution under the supervision of the Supreme Leader, it is impossible to assume that non-Islamic representatives are invited to attend and advertise in this media. The restrictions on freedom of expression in the international human rights system include: respect for the rights or dignity of others, national security, public order, public health and ethics, propaganda for war, and any invitation to national malice or racism which is a motivator of discrimination or conflict. It seems that the restrictions imposed on freedom of expression in the Iranian media are in keeping with the general public order.

In the United States, freedom of expression faces less constraints, and the US Supreme Court has played an important role in developing the concept of freedom of expression as a symbol of protecting the rights and liberty of citizens. The founding fathers and authors of the American Constitution, adopted in 1789, did not refer to any of their rights and freedoms, as opposed to the French, who passed the adoption of the Declaration of Human Rights and Citizenship before the adoption of the Constitution, but the States considered the adoption of the constitution, subject to the approval of a series of extensions that recognized and guaranteed rights and freedoms. Therefore, the 10 first Amendment to the Constitution of the United States is known as the "Bill of Rights", it was ratified by the States in 1791 and became binding. Amendment No. 1 stipulates: Congress does not legislate to formalize a religion, or to prohibit it from being freely used, or to restrict freedom of expression or the press or the people's right to hold peaceful meetings and lobby the government for compensation.

However, the freedom of expression stipulated in Amendment No. 1 of the US Constitution is subject to limitations that can be extracted from the US Supreme Court. 1. Dissemination of Prostitution in the Roth Case against the United States of America, 1957, 2. Children's Pornography in the US Case against Riddle, 1973; and 3. Fighting words and true threats in the Chaplinsky Case against the State of New Hampshire; Three limits the United States has against freedom of expression (Ruane, 2014).

### **C. Definition of Cinema Freedom and its Limitations**

Now, in this part, we seek to draw a narrow definition of the freedom and the various dimensions of freedom of cinema to the mind, and to define a comprehensive definition of the freedom of cinema.

As mentioned before, cinema is closely linked to rights and freedoms. Freedom of screening, business freedom, and freedom of expression are three important rights and freedoms that are demanded in the

cinema and in the cinema industry, meaning that anyone, alone or with a group of people, must be able to support, on the basis of, which has created these rights and freedoms in legal systems, transforms the text or any mental flow into a cinematic work. In other words, everyone will have the right, based on business freedom, to be active in the cinema in the format of a film-writer, actor, producer, or director, and no one forbids him from doing so. Also, anyone who is a film writer, both actor and director, can freely express his thoughts and beliefs and others in the form of a cinematic work and make it public.

However, it should be noted that none of human rights and freedoms, except for the right to life and the right to human dignity, are not absolute, and there are limitations for them. For this reason, it should be examined what constraints exist for the freedom of cinema, and the freedom described, to what extent can be expanded. Accordingly, as we extract freedoms from different dimensions of the cinema, we must extract the limitation of freedoms of cinema from the aforementioned freedoms.

The restrictions on the freedom of cinema appear to include two categories of restrictions on the use of individuals in cinematic films and the content constraints of cinematic films.

### **I. Restrictions on the Use of People in Cinema (Formal Constraints)**

This limitation may be at the very first glance about business freedom, but with a little reflection on this issue, it can be viewed from the perspective of other human rights. In such a way, to protect the particular classes, they will be prevented from appearing in films with specific content. To better understand this issue, it is possible to limit the presence of children in cinematic films with immoral, scary or inappropriate topics for their age. As discussed in the issue of freedom of expression, the children's pornography in most countries of the world is strictly prohibited, but it is possible to interpret this ban by generalizing this ban and restriction to horror films, but the difference is with children's pornography that the production and provision of those films is completely prohibited, but in horror films or immoral scenes, only the presence of children should be prevented.

Another form of restriction of the use of people in cinema is the issue of legal and disciplinary penalties that encounter individuals with permanent or temporary restrictions for work in this industry. The screening ban is the most famous type of these punishments in the visual form of the media, which is referred to as the Artistic Death. The work ban of is another form of restriction that may be created for other media professionals, and the difference with the screening ban is that this restriction is created for people who do not appear in front of the camera and only work off the camera like directors, writers, or other scene employees.

A screening ban should be issued by the competent authorities for the observance of the rule of law, otherwise it is opposed to fundamental rights and freedoms, but sometimes it is created for individuals for the sake of expediency. One of the most prominent bans on such cases in Iran can be the veteran actor Mr. Mahmoud Basiri, who was like the then president and was not used for seven years in cinema.

### **II. Content Constraints in Cinema (Inherent Limits)**

Content constraints in the cinema are definitely related to the limits of freedom of screening and freedom of expression, which should be explained according to the limits of these two freedoms. As stated above, none of the rights and freedoms, apart from the right to life and the right to human dignity, is not absolute, so what should be seen as the limits of freedom of expression and how it can affect the freedom of cinema.

According to each country, the level of freedom of expression and the consequent freedom of cinema varies, however, it seems that these countries accept and apply all these cases with differences as restrictions on the freedom of cinema; 1. immoral issues and the dissemination of prostitution, 2. use of

vulgar words and insulting people, beliefs and religions, 3. dissemination of lies, and 4. dissemination of confidential, security or personal information of persons are the ones that can cause freedom of cinema to be restricted.

It should be noted that these cases may vary from one country to another, and even in some countries there is no ban on them, but it is important to note that the dissemination of lies as well as the classified and confidential information is prohibited in all systems and there is no doubt about the prohibition of the use of this information in cinematic works and, if possible, they are treated seriously before making such works. On the other hand, unethical issues and use of vulgar language may not be prohibited in the making of a movie, but at the time of the public release of these works, restrictions on their realm can be created in different age groups.

The issue of insulting individuals, beliefs and religions also has many debates, and there are limitations in each country according to its political system. For example, in Iran due to its own political system and official religion, insulting individuals and religions is a crime and it is prohibited to express it in cinematic works and will be treated in the pre-production phase. But in the United States, the issue of insulting individuals and religions has not been subject to much ban and constitutes a matter of freedom of expression.

Consequently, the issue of restrictions, permits, oversight and censorship in cinema does not appear to be an invasion of freedom of expression, but to protect individual and collective rights such as preserving the dignity of individuals or maintaining security issues which has a general aspect. Therefore, absolute cinema freedom seems to contradict the preservation of the public order, which is one of the pillars of the justification for the establishment of the state, and it is necessary to examine and explain how the state, through maintaining public order, should deal and communicate with cinema and the cinematographers that both individual rights are guaranteed, as well as collective rights, both public order and cinema freedom.

## **Conclusion**

In this study, we sought to provide a first definition of the concept of cinema freedom in legal literature. Accordingly, in order to achieve this definition, the dimensions of cinema freedom were first outlined. The dimensions of cinema freedom can be sought in freedom of screening and expression and business freedom. After introducing and identifying freedom of screening, expression and business, and how these freedoms function and relate to cinema art, it has provided a comprehensive definition of cinema freedom.

Based on the approaches of this study, we defined this issue in two dimensions. The primary dimension is the definition of the concept of cinema freedom, which means that each individual alone or with a group with freedom can enter the realm of the cinema industry and bring thought, opinion or text into a cinematic artwork, and show it to the public. The second dimension is the definition of its limitations, and, as it has been suggested, cinema freedom, like most liberties, is not absolute, and is subject to limitations, these limitations are divided into two kinds of formal and inherent restrictions. The limitation of the form or the restrictions on the use of persons in cinemas including individuals with screening or work ban for disciplinary or judicial punishment or contain absolute restrictions such as prohibiting the use of children in sexual films. Other forms of content restrictions are closely related to the limits of freedom of expression, including the prohibition of false propaganda, the dissemination of confidential or security information, and insulting religions. However, it should be noticed that these restrictions apply differently in different countries.

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