

# FILM CENSORSHIP'S GREATEST HITS

Double standards have been part of American film censorship ever since it began with Will Hays's Production Code in 1930. Not only was the code clearly biased toward Christian values (it actually banned the portrayal of ministers as villains), it was puritanical in its views of adult life. All subjects that related to sex—especially female sexuality—ranked higher on the taboo scale than violence and crime. The rules of the Hays Code institutionalized sexism during American film's most formative years, and that sexism remains a common thread in contemporary film rating and censorship.

The Hays Code may have started the process, but many groups—from the NAACP to the Christian Coalition to the Anti-Smoking League—have found something to protest at the movie theater. Whatever our beliefs, we can still appreciate the potential of film to inspire public debate—a necessary companion to freedom of expression. So, in celebration of all kinds of controversy, here's a brief history of film's hot topics and the hassles that surrounded them.

—J.T.

**THE BIRTH OF A NATION** (1915): This dubious classic was years ahead of its time technologically, but its racial message was awfully crude, to say the least.

**Allegedly Hot:** Sympathetic depiction of lynching; all black men are shown as rapists and imbeciles; the Ku Klux Klan saves the day.

**Bothered:** The newly formed NAACP and disorganized rioters in many cities across the country. Nearly a century later, the film still generates scorn whenever it is screened in public.

**BABY FACE** (1933): Barbara Stanwyck unapologetically schemes, smart-asses, and sleeps her way to the top in this code-challenging delight.

**Allegedly Hot:** Under the guiding principles of Nietzschean philosophy, a woman engages in premarital sex for material gain without suffering any negative consequences.

**Bothered:** The Motion Picture Producers and Distributors of America made an example of the film by replacing Nietzsche's writings with generic statements about right and wrong, and added a final scene to show that the heroine ended up penniless.

**GONE WITH THE WIND** (1939): David O. Selznick's Technicolor masterpiece purposefully contained a lot for censors to chew on in order to trade some cuts for others.

the past, when [studios] were making films more for adults, they would have wanted a more open ratings system, a system that was less restrictive of adult sexuality, because they would want to market [the films] unencumbered by ratings. Now what's happening is that most of the films they're making are much more violent, and those are the kinds of films they're letting through.

**You and Becky Altringer, the private detective you hired, seemed almost gleeful as you discovered new information about the raters. Were there moments when you felt uneasy about your methods?**

The job that the raters are doing is completely in the public interest. It's a very important job, and the public deserves to know who these people are. Now, the MPAA says that the reason the raters' names are kept secret is to protect them from influence. However, there are many positions in society—like school-board officials, judges, etc.—who make decisions every day subject to influence. Their names are public. And in fact, by keeping their names public, if there is influence going on, it's much easier to track it and put a stop to it.

The fact is that the people who would have a motivation to influence [the raters]—people within the studios—are the only people who actually know the raters' names. There are positions in each of the studios, usually postproduction supervisors, [whose] job is to guide a film through the ratings system. So these people develop relationships with people on the ratings board, over many years, and, you know, the studios are in a very good position to influence people if they choose to.

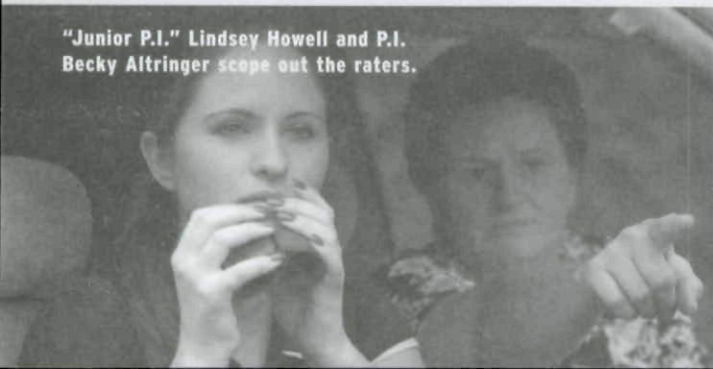
We didn't stalk [the raters]. All we did is find out who they were, and then go get a photo of them. Everything was done completely legally; we didn't harass them in any way. There was no need for us to. This is not about the raters themselves; it's about the way the system is set up, to keep the public from knowing what's going on, and to benefit the studios.

**How did you find out about the ratings board making illegal copies of *This Film Is Not Yet Rated*?**

Before I submitted the film, I called up the administration of the ratings board, and I said, "Can you assure me that there will be no copies made of this?" And they assured me, in writing, in e-mail, and on the phone, that

"Junior P.I." Lindsey Howell and P.I. Becky Altringer scope out the raters.

Altringer, hot on the trail.



not only would no copies be made, but that only the raters would see it. Well, I subsequently learned that an MPAA attorney had seen it. I learned that [MPAA president] Dan Glickman had seen it. So I called up Joan Graves, who at the time was the head of the ratings board, and I said, "Look, Dan Glickman's in Washington—have there been any copies made of the film?" And she kind of hemmed and hawed and said, "Not to my knowledge."

And then a few days later, I got a call from an MPAA attorney who said, "Look, Kirby, I have to tell you, we have made a copy of your film. But you don't have to worry, because it's safe in my vault." [*Laughs.*] I can tell you that wasn't reassuring. In a way I wasn't surprised, but on the other hand, there's such hypocrisy there. The MPAA has launched this huge antipiracy campaign, and on their website they define even one act of unauthorized duplication of material as piracy. And that's exactly what they did.

#### Did you anticipate the film being rated NC-17?

I did, yes. I mean, it includes scenes that were removed from [other] films to get them from an NC-17 to an R rating, so I wasn't surprised by that. The rating is consistent with the way they've rated other films; I don't think it was punitive.

One of the reasons we submitted the film to the ratings board was that the process is so secretive that we felt like the best way to find out what's going on is to send our own film through the process and document that. But they only saw the film up to the point that it was submitted, so the third act of the film was added on later.

The way it works is that once you're given a rating, you don't have to accept it—you can reject it and go unrated. It's going out unrated, [so] there will be some theaters that won't play it, and some newspapers that won't advertise it. But it's less of a problem to go out unrated than it is to go out with an NC-17 rating.

[With] the ratings board, nothing gets done in writing. Only the most basic procedural kind of scheduling gets done by e-mail; everything else is done verbally. So after we got our NC-17, I thought, Well, they told me I did, but don't I get some sort of written confirmation? Sure enough, about a month later, this envelope arrived with this little form that looked like it was originally printed up in 1980, with "NC-17" stamped on it. And so when Joan Graves called me up [after we appealed] the NC-17 rating, she said, "You also have to send back the form" [*laughs*]. I said, "We've had it framed! We're not sending it back."

At the end of the film, when we learn the identities of the ratings appeals board, it evokes the feeling of a conspiracy being uncovered. Would you care to elaborate on what it all means?

The entire ratings system is set up so that the MPAA

**Allegedly Hot:** Sexual innuendos between Rhett and Scarlett; a sympathetic portrayal of the prostitute Belle Watling; the repeated use of the N-word. Most bizarre hotness: Melanie's labor scene, which was forbidden under the code because it related to sex.

**Bothered:** Joe Breen, notorious hardass and longtime head of the Production Code Administration (PCA).

**THE OUTLAW** (1940): This pulpy Western lionized Billy the Kid and Doc Holliday and would have brought heat for lack of moralism, but Howard Hughes codirected and created a sensation with camera work alone.

**Allegedly Hot:** Jane Russell's scantily clad breasts.

**Bothered:** Breen again—he made a total of six cuts, including over 16 feet of film that showed the buxom Russell bending over in front of a mirror.

**OUTRAGE** (1950): Ida Lupino, one of Hollywood's first female writer-directors, wanted to explore the realities of rape, devoting most of the story to the main character's trauma and recovery. This would be one of few films of its time to depict rape as a crime and not a bizarre form of foreplay—under the code, seduction and rape were categorized together.

**Allegedly Hot:** Using the word "rape"; including a rape scene.

**Bothered:** PCA staff members, for whom Lupino replaced "rape" with "criminal assault" and "criminal attack," and had the attack occur off-camera.

**THE CHILDREN'S HOUR** (1961): In 1936, William Wyler had directed *These Three*, which was based on Lillian Hellman's play but without the lesbianism. He returned to the script 25 years later in hopes of creating a more loyal adaptation.

**Allegedly Hot:** Open criticism of homophobia and elliptical references to homosexuality.

**Bothered:** The PCA, but United Artists stuck to their guns, eventually winning a rare amendment to the code: "In keeping with the culture, the mores and the values of our time, homosexuality and other sexual aberrations may now be treated with care, discretion and restraint."

**LOLITA** (1962): Because of the story's infamous May-December "romance," writer Vladimir Nabokov and director Stanley Kubrick faced an uphill battle to get the film produced.

**Allegedly Hot:** Lolita's age (12); copious sexual innuendos.

**Bothered:** Potential distributors. Nabokov and Kubrick cast Sue Lyon—a 13-year-old who looked 16—in the title role and wrote in references to high-school activities in order to suggest physical maturity and make the film more socially acceptable.

**WHO'S AFRAID OF VIRGINIA WOOLF?** (1966): Mike Nichols's faithful adaptation of Edward Albee's hit play virtually destroyed what remained of the Hays Code's restrictions on language and sexual references.

**Allegedly Hot:** Nonstop drunken profanity.

**Bothered:** Jack Valenti, the new head of the PCA, who was inspired to develop an age-based ratings system; it went into effect two years later.

**A CLOCKWORK ORANGE** (1971): This Kubrick classic follows a criminal/gang rapist as he's brainwashed by a futuristic government in order to cure him of his violent streak.

**Allegedly Hot:** Supposedly inspired copycat crimes in the UK, including a rape to the tune of "Singin' in the Rain."

**Bothered:** Stanley Kubrick himself. He withdrew the film from UK circulation, and it was only released there on DVD after his death in 2001.

**CARNAL KNOWLEDGE** (1971): Mike Nichols (are we sensing a pattern here?) directed this stark exploration of male sexual hypocrisy and misogyny. **Allegedly Hot:** Sexually explicit dialogue and nudity, though no sex was actually shown onscreen.

**Bothered:** A court in Albany, Georgia, which slapped an obscenity charge on the film that was later overturned by the Supreme Court.

**LAST TANGO IN PARIS** (1972): This tale of a casual relationship featured some of the most explicit sex scenes of its time. It was considered by many to be the last X-rated art film and even earned Bernardo Bertolucci the Best Director Oscar.

**Allegedly Hot:** *Sodomie avec du beurre*.

**Bothered:** The Italian government, which revoked Bertolucci's civil rights for five years and sentenced him to four months in prison.

**MANDINGO** (1975): Like many blaxploitation films, this one was set in the pre-Civil War South, and reveled in defying the social standards of the 1970s status quo.

**Allegedly Hot:** Miscegenation, nudity, incest, infanticide, and racism.

**Bothered:** The Coalition Against Blaxploitation (including members of the NAACP, the Southern Christian Leadership Conference, and the Urban League), which used its media attention to quicken the demise of the genre by the late '70s.

**THE COLOR PURPLE** (1985): This rendition of Alice Walker's classic black feminist novel was suspect from the start because of its white male director, Steven Spielberg. The film was an ambiguous success, nominated for 11 Academy Awards but winning none.

**Allegedly Hot:** Lesbianism plotline replaced by platonic female bonding; domestic-abuse scenes injected with humorous battle-of-the-sexes banter.

**Bothered:** African-American civil rights leaders; feminist and gay and lesbian critics.

**THE LAST TEMPTATION OF CHRIST** (1988): In the most controversial film of its time, director Martin Scorsese gave us a Jesus Christ who experiences human desire.

**Allegedly Hot:** Fantasy sequence in which Christ has marital sex with Mary Magdalene.

**Bothered:** Christian religious leaders, some of whom blasted the film in sermons; French Catholic fundamentalists, who tossed Molotov cocktails at a movie theater that was screening the film.

**DO THE RIGHT THING** (1989): Spike Lee's funny, tense, and heart-breaking tale of racial conflict in an urban microcosm features one of the most combustive endings in Hollywood history.

**Allegedly Hot:** Rioting; destruction of property.

**Bothered:** Movie reviewers, several of whom fretted in print that black audiences would be incited to riot. They weren't.

**HENRY & JUNE** (1990): This biographical telling of the relationships between Anaïs Nin, Henry Miller, and June Miller was as shocking for its controversy as its content.

**Allegedly Hot:** Lesbian sex scenes (the straight ones weren't a problem).

**Bothered:** The MPAA ratings board, which bestowed its very first NC-17 rating on the film.

can keep control of it and use it completely to its advantage. [Its] ratings board is [made up of] people who have no special qualifications—who have no training, even. These are people [who] are very easy to control.

And the MPAA has an appeals board that is staffed by people within the industry, mostly from within the MPAA or NATO [National Association of Theatre Owners]—the people who have created this whole system. And so, again, they can sway the way the board issues its decisions.

One of the really absurd things—and this isn't in the film—is that it requires a two-thirds vote to overturn [a rating decision]. The appeals board is the highest body in the ratings system, and it's absurd that even in cases where it's apparent to the majority of this body that the rating was wrong, they can keep the rating in place, just because of the kind of control they want to keep.

**How would the rating system change if the individuals involved were held accountable for their decisions?**

I don't know. What I would like to see is, first of all, the whole process be opened up, be transparent. So that we know who's on the board, we know how the decisions are being made, [we know] that there are written standards being developed through a professional process involving child psychologists and media experts, and that those kinds of people are also on the ratings board. If there was that kind of process, then the raters would be held accountable the way anyone would be, but they'd also have the stature and the tools to make the proper decisions.

**What was the most surprising thing you learned during this process?**

I was really surprised that all the filmmakers we interviewed who had gotten an NC-17 thought they [would get] an R rating when they submitted their films to the ratings board. That tells me that the MPAA has done absolutely nothing to get information out to the film community about what their standards are. In fact, they've done just the opposite. And course [that] works to the ratings board's advantage, because if there are no written standards, they can fudge films in whatever direction they want—certainly, they can go more lenient on studio films with violence if they want.

[My experience with] the appeals board was like going down the rabbit hole in *Alice in Wonderland*. There was so much absurdity around it. I couldn't bring an attorney of my choice to the appeals, even though the chair of the appeals board was an MPAA attorney. I couldn't use precedents. No filmmaker can. You can't say, "You gave an NC-17 for this shot [in my movie], but you gave five other films an R rating for exactly that same kind of shot." You cannot make that argument. They say it has to be evaluated solely on the movie that's being presented. Any other

appeals process works primarily on precedent—to compare if the decision that's being appealed is consistent with other decisions that have been made and supported by the legal process.

I was also very surprised that there's two representatives from religious organizations on the appeals board, and one is a member of the clergy. That is something that I think very few people in the film business knew. Finally, from doing this research, [I know] that it's almost exclusively people from the film industry who are on the appeals board, but what surprised me when I showed [the film] at Sundance was that no one knew about them. Friends, people they worked with—no one knew that they were on the appeals board.

#### What effect do you hope this film will have on the ratings board and the way that audiences perceive it?

One of the things that's really unfortunate is that independent filmmakers and foreign filmmakers tend to make films [that are] more about adult subjects and therefore about sexuality. And those kinds of films are getting caught up in the ratings in such a way that their audiences are being limited. Look at a film like *The Dreamers*, by Bertolucci—he's a wonderful filmmaker, and he made a film without concern about what the rating would be. And as a result, you see sexuality being visually treated in a different way. A lot of people have complained that sex scenes in American films all look the same, and I think that's partially because of this ratings system.

The wider issue that I hope audiences pull from this is to look more critically at the American film business itself. It's a business that's as expert as it's ever been; it sells movies every day. And it's been able to spin its own industry in a very positive way and convince the public that what it's doing doesn't have any negative effects. I mean, it's a business. It's a pursuit of the bottom line, and the process of that pursuit is, oftentimes, not in society's best interests.

**This Film Is Not Yet Rated** opens September 1. For more information, see [www.ifctv.com](http://www.ifctv.com). Juliana Tringali is *Bitch's* assistant editor.

**BASIC INSTINCT** (1992): All the noise around the NC-17 rating (which was later changed to R) successfully diverted public attention from the feeble dialogue, contrived characters, and obvious ending of Paul Verhoeven's so-called thriller.

**Allegedly Hot:** Graphic crotch-flashing; portrayal of lesbian characters as crazed, man-hating, or homicidal.

**Bothered:** The Gay and Lesbian Alliance Against Defamation, who protested the movie even before it was released, prompting contrarian Camille Paglia to call this stinker her "favorite film."

**KIDS** (1995): This day-in-the-life portrayal of urban teens was released in both an NC-17 and R version to maximize distribution.

**Allegedly Hot:** Teen sex, drinking, and drug use.

**Bothered:** Disney, which discouraged Harvey and Max Weinstein of Miramax from taking on the film. After seeing the final cut, the Weinsteins were moved to produce it with their own money.

**AMERICAN PSYCHO** (2000): Feminist director Mary Harron also wrote the screenplay to what had been thought an unfilmable and wildly anti-woman novel by Bret Easton Ellis.

**Allegedly Hot:** Fantasy three-way sex sequence; frequent sexual violence.

**Bothered:** The MPAA ratings board, which gave the film an R rating only after the ménage à trois scene (in which two women experience pleasure) was removed. Many feminist critics remained displeased with the excessive abuses of women that made the cut.

**SECRETARY** (2002): This brilliantly nuanced dark romantic-comedy about workplace submission and alternative sexuality has something for everyone...to be bothered by.

**Allegedly Hot:** s/m in the office.

**Bothered:** Feminist critics, who questioned the film's male = top / female = bottom dichotomy; secretaries, who challenged the film's tacit connecting of administrative assistance and masochism.

**THE PASSION OF THE CHRIST** (2004): Mel Gibson's gory, Aramaic retelling of Christ's torture and crucifixion is considered by many to be the most controversial film of all time.

**Allegedly Hot:** Anti-Semitism; pro-Catholicism; creative interpretation of the New Testament.

**Bothered:** The Jewish Anti-Defamation League; fundamentalist Protestant groups; biblical scholars; some atheist critics, including Christopher Hitchens and Howard Stern.

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