Regulating Film Content

Film censorship in the United States dates to the beginning of cinema history—to 1894, when a series of “erotic-dance” Kinetoscope programs were banned and seized in Atlantic City in response to public pro- censorship activism. Organized pressure on the studios increased dramatically in the wake of the star scandals of the early 1920s, and it showed no sign of relenting during that decade.

By the late 1920s most states, cities, and even local townships had established their own censorship boards. The members of those boards had a vested interest in censorship, and they wielded considerable power in their communities. Many of these censorship boards were housed in police departments, making the sei- zure of banned films easy and routine. What made the local outfits particularly problematic for filmmakers was that there were no set rules governing their deci- sions. And the different boards did not communicate or cooperate with one another. What might get banned in Cleveland, for example, could play in Columbus or Chicago. Filmmakers and studio distributors had no way of predicting board decisions in advance.

The development of a self-censorship apparatus by the Hollywood studios was foremost an attempt to adjust to the vagaries of the local censorship boards. The studios’ early censorship policies and procedures were meant in large part to enhance public relations, to create the impression that the studios wanted what the so-called reformers and local censors wanted: good, clean, all-American entertaCensorshipinment. That such a bar- gain with the mass audience was based on a financial motive—to enable films to move freely through the marketplace without the studios’ having to worry about print seizures or boycotts—was consistent with the stu- dios’ prime goal: to make money making movies. Lost in the bargain more often than not was the integrity of the content of the films themselves.

1927: The List of “Don’ts” and “Be Carefuls”

The top man at the Motion Picture Producers and Distributors of America (MPPDA), Will Hays, intro- duced the first industry-wide self-regulatory system in 1927, the list of “Don’ts” and “Be Carefuls.” The eleven “Don’ts” included prohibitions on profanity,

The above is Page 113

“suggestive or licentious nudity,” and depictions of drug trafficking, white slavery, and childbirth. It also included reminders regarding what today we’d call political correctness: there were expressed prohibi- tions, for example, on the “willful offense to any nation, race or creed.” While tolerance was to be the rule, any suggestion of miscegenation was absolutely forbid- den. The twenty-five “Be Carefuls” included a caution against “realistic, potentially informative” depictions of the methods of committing certain crimes. Among those crimes were theft, robbery, safecracking, arson, the dynamiting of trains, smuggling, rape, the branding of animals or people, and cruelty to children or pets.

The list of “Don’ts” and “Be Carefuls” focused on what the uneducated, unwashed masses that consumed motion pictures so avidly might do with what they saw on the screen. It is noteworthy that Hays supported free speech in other media. Plays and novels, he argued, need not be so strictly censored because the audience and readership of highbrow entertainment knew bet- ter. Such was the philosophy behind the 1915 Mutual decision, in which the U.S. Supreme Court denied First Amendment protection to cinema (discussed in Chap- ter 1). And such was the philosophy embraced by Hays and those he hired to devise and execute industry-wide self-censorship of film content.

The list of “Don’ts” and “Be Carefuls” was an inter- esting document and no doubt well intended, but it was worth little more than the paper it was written on. The producers and distributors who formally resolved to follow its strictures seldom paid much attention to it, especially when censorship promised to make a movie less sensational.

The MPPDA’s inability to regulate film content through its “Don’ts” and “Be Carefuls” empowered grass- roots censorship outfits like Combat, a Wisconsin-based group, and the colorfully named Mothers of Minnesota. These primarily church-affiliated groups were soon joined by well-established organizations that branched out into film censorship, including the Parent-Teacher Association (PTA), the NAACP, the Catholic War Vet- erans, and even the International Longshoreman’s Association. Local police, community boards, and state departments of education joined the effort to force the studios to behave more responsibly.

1930: The Motion Picture Production Code

With the apparent failure of the “Don’ts” and “Be Carefuls,” the MPPDA turned to a Jesuit priest, Father Daniel A. Lord, and a devout Catholic journalist, Martin Quigley, the editor of Exhibitors Herald-World (later the Motion Picture Herald), to write a more com- prehensive set of production regulations. In 1930 Lord and Quigley completed their task and handed in a doc- ument that, with few changes, governed the production of American films for over thirty years.

As MPPDA chief, Hays was most interested in pro- tecting studio films in the nationwide marketplace. After all, he worked for the studios. Lord and Quigley had no such conflict of interest, however. They were very much in favor of regulating and restricting film content without regard to profits. Thus the complex and comprehensive code they devised was designed like a catechism, a list of lessons and rules, backed by a moral philosophy laid out in detail in the code’s pream- ble. “Motion picture producers recognize the high trust and confidence which have been placed in them by the people of the world,” it begins, “and which have made motion pictures a universal form of entertainment.” Given such a moral responsibility, the code promised “a still higher level of wholesome entertainment” so that films might support “spiritual or moral progress,” “higher types of social life,” and “correct thinking.”

Given the headache caused by local censorship boards, the studios simply had to comply. Hays did not play a role in writing the code and may not have been on the same page, so to speak, with Lord and Quigley on every aspect of the document. But when Lord and Quig- ley’s work was made public, it was dubbed the Hays Code, a tag that stuck.

Unlike the list of “Don’ts” and “Be Carefuls,” the 1930 Motion Picture Production Code was lengthy and detailed. It elaborated twelve areas of concern:

1. Crimes against the law. Included were subsections on murder (no instructions please, and no brutal- ity); the methods used by criminals who stole, blew things up, or burned things down (to avoid inspir- ing copycats in the audience); drug trafficking and alcohol production, distribution, and consumption (which in 1930 were still prohibited under the Eighteenth Amendment).

2. Sex. Included were subsections on adultery (never justified), scenes of passion (with a specific pro- hibition of “excessive and lustful kissing”), seduc- tion or rape (seen as more or less the same thing; a subsubsection prohibited the use of such scenes in comedy films), “sex perversion” (not defined

or elaborated), white slavery, miscegenation, venereal disease, and childbirth and children’s sex organs (the on-screen depiction of which was strictly prohibited).

The above is Page 114

3. Vulgarity. “Good taste” must prevail.

4. Obscenity. Not defined and something of a catchall.

5. Profanity. Rough language (expletives, blasphemy)

was strictly censored. The list of forbidden words included alley cat (applied to a woman), cripes, fanny, whore, damn, pansy, and nuts (except when meaning “crazy”).

6. Costume. “Complete nudity” was strictly forbid- den. Diaphanous, overly revealing clothing could not be worn. Scenes showing characters getting undressed “should be avoided.”

7. Dances. No sexually suggestive movement or ges- ture was allowed.

8. Religion. All faiths and denominations must be respected. “Ministers of religion . . . should not be used as comic characters or as villains.”

9. Locations. “The treatment of bedrooms must be governed by good taste and delicacy.”

10. National feelings. Reverence for flag and coun- try must be observed and respect given to other nations and nationalities.

11. Titles. “Salacious, indecent, or obscene titles shall not be used.”

12. Repellent subjects. These subjects had to be treated “within the careful limits of good taste”: execu- tions, third-degree methods (used by police), bru- tality, “branding of people or animals,” “cruelty to children or animals,” white slavery, and “surgical operations.”

1930–1934: The Studios Resist the Code

In 1930 the task of enforcing the code was left to two MPPDA functionaries, Colonel Jason Joy and Dr. James Wingate, neither of whom proved willing or able to take on the studios. The system of enforce- ment was, after all, rigged. If a studio disputed a deci- sion made by the code administrators, it could file an appeal with the MPPDA board, which was composed of executives from the member studios. In the spirit of working together (and protecting their products in case of a future dispute) the studio executives routinely signed off on everything. Much as they did after the list of “Don’ts” and “Be Carefuls” was introduced, the studios took voluntary compliance to mean that they did not have to do anything if they did not want to.

Between 1930 and 1934, in what is often (if mislead- ingly) called pre-Code Hollywood (there was a code, just no enforcement mechanism), the studios mostly

ignored the new production guidelines. In fact, a number of films that gained wide popularity in the pre-Code era were precisely what the code was designed to censor. A case in point is Paramount’s She Done Him Wrong (Lowell Sherman, 1933), starring Mae West, a notoriously risqué stage comedienne, a mas- ter of the wisecrack and the double entendre. Before the film was produced, West received a lot of public- ity when she was sentenced to ten days in jail on an obscenity charge stemming from the Broadway run of her show Sex. (She got out in eight, with two days off, she joked, for good behavior.) The conviction served only to make her more popular and more attractive to Paramount. Hays had been hired to clean things up in the movie colony. West’s arrival promised to make his job a lot more difficult.

As much as any film of its era, She Done Him Wrong reveals how little the Hays code meant in pre-Code Hollywood. The film opens with a street cleaner shoveling horse manure, a crude joke that sets the tone. There is a nude painting, ostensibly of West’s character, Lou, in plain view in the saloon where she performs. Throughout are wisecracks of question- able taste, at least by the standards of the time. A man says to Lou, “You’re a fine woman,” to which she responds, “One of the finest women to have walked the streets.” Later another man says, “I’ve heard so much about you.” And again she cracks wise: “But you can’t prove it.” She refers to Captain Cummings (Cary Grant), an undercover cop posing as a pastor, as “warm, dark, and handsome.” When she delivers the now-famous come-hither line “Why don’t you come up and see me?” and then adds, “You can be had,” she and we still think she’s talking to a man of the cloth. The reasons for her brazen behavior are made clear in a subsequent conversation: Her maid asks her if she’s ever felt the “wolf at her door.” “I’ve had him in my bedroom,” Lou replies.

Even more risqué is West’s on-screen performance of musical numbers from her notorious stage act. The first tune, “Easy Rider,” is about a jockey who knows how to ride. “A Guy What Takes His Time,” the second number, rather obviously lays out what she wants in the bedroom. After all, as Lou quips, “When women go wrong, men go right after them.”

Early-sound-era gangster films, such as Little Cae- sar (Melvyn LeRoy, 1931), The Public Enemy (William Wellman, 1931), and Scarface (Howard Hawks, 1932), also reached American screens in seeming defiance of the new code. In 1931 nearly 20 percent of the total studio output featured gangster themes, roughly dou- bling the already high percentage of the previous year.

The above is Page 115

The trend increased public scrutiny and pressure for censorship.Exotic adventure films, which were very popular in the early 1930s, also defied the new code. Even Tarzan, the Ape Man (W. S. Van Dyke, 1932), which features an all-American star athlete, Johnny Weismuller, winner of five gold medals at the 1924 and 1928 Olympics, ran afoul of the new code. Though the film seems tame by contemporary standards, its stars (Weismuller and Maureen O’Sullivan, who plays Jane) wear skimpy costumes and blissfully live together unmarried and mostly unembarrassed.

Monster films, also a popular genre in the pre-Code era, posed problems as well. Dracula (Tod Browning, 1931), Frankenstein (James Whale, 1931), and King Kong (Merian C. Cooper and Ernest B. Schoedsack, 1933) all deal with proposed or attempted sexual violations. Dracula hypnotizes women and enters their bedrooms to penetrate their bodies with his teeth. Frankenstein’s monster similarly lurks outside the heroine’s bedroom window with more than just revenge on his mind. And Kong, of course, has a thing for a blonde (Fay Wray).

The most egregious code breakers were the early- sound-era melodramas. Cecil B. DeMille’s Madame Satan (1930) tells the story of a woman who wins back her philandering husband by livening things up in the bedroom. Young Sinners (John G. Blystone, 1931) was released with the tagline “Hot youth at its wildest . . . loving madly, living freely.” Many pre-Code melodra- mas ended with scenes that punished sin but otherwise spent the vast majority of the screen time wallowing (and, by extension, visually celebrating) sins and the sinners who commit them. For example, Call Her Sav- age (John Francis Dillon, 1932), a comeback vehicle for “It” girl Clara Bow, exploits tabloid stories about the star herself (stories that Bow had responded to by suing for libel) by re-presenting them (fictionally, of course) on-screen. The film includes a shopping list of vice—infidelity, sadomasochism, kept women—with each instance providing the excuse for frequent flashes of female skin.

In Unashamed (Harry Beaumont, 1932), a rich girl (Helen Twelvetrees) is seduced by and then marries a money-hungry cad (Monroe Owsley). Her brother (Robert Young), who holds a deep and vaguely inces- tuous affection for her, kills the cad and stands trial for the murder. Just when things look their bleakest for him, the sister acts the part of the unrepentant party girl. He and we know this is an act, but her plan succeeds: for her sacrifice (of reputation, of a future with somebody—anybody—else), the brother is saved.

The studios packaged even the wildest, sexiest, most code-defying melodramas with come-ons to the women in the audience. For example, an over-the-top melodrama about a wild girl (played by Miriam Hop- kins) in a small southern town, The Story of Temple Drake (Stephen Roberts, 1933), sported the tagline “A love story understandable to every woman.” The notion that every woman might “understand” Temple Drake— who is raped and then forced by her circumstances to fake affection for her assailant until she finds an oppor- tunity to murder him and, after a strange courtroom drama, is acquitted and then forgiven by the man she truly loves—seems far-fetched, but the marketing mes- sage trumped the reality.

The failure of the Hays Code between 1930 and 1934 revealed two things about the early studio sys- tem. First, it made clear that the studios were willing to work together. When films as outrageous as The Story of Temple Drake were brought to the MPPDA board on appeal, the studio representatives routinely reversed the findings of the code administrators. They did so not because they liked or disliked the films in question or because they thought such films should not be censored but because they appreciated that someday they might have a film with a code prob- lem and they might need their fellow MPPDA board-

The above is Page 116

members to see things their way. Second, before 1934 the studios simply did not take seriously the depth of so much of their audience’s contempt for the Holly- wood film colony and the films in such questionable taste that were made there. It took four years for the MPPDA to appreciate the extent of its public relations problem. Once it did, it moved quickly to establish self-censorship policies and procedures to satisfy even its most ardent detractors.

The above is Page 117

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NOTES

Censorship—Hollywood needs to keep up with the competition. Sex and Violence to keep people coming in? Recall the “adult” films of the 1950s adapted from B’way. Court cases increasingly stroking down obscenity rules. 1957 Excelsior Decision says nudity is not necessarily obscene; Garden of Eden (1954) nudist camp movie. Then “nudie cuties,” then “roughies,” and eventually hardcore porn by the early 1970s.

Hollywood Production Code amended in 1961, but basically finished by 1966, replaced by rating in 1968. (G, M, R, and X; M switched to GP and PG two years later). Between 1966 and 1968, lots of films listed as “Suggested For Mature Audiences” labels: age limits enforced at theatres. The case of WHO’S AFRAID OF VIRGINIA WOOLF (1966).