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PRŮMYSLU**

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**CENSORSHIP IN THE AMERICAN FILM
INDUSTRY**

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Prohlašuji, že jsem práci vypracoval/a samostatně s použitím uvedené literatury a zdrojů informací.

V Plzni dne 29. června 2011

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ABSTRACT

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The topic of this undergraduate thesis is the censorship in American film industry, or more precisely the self-censoring methods used within the industry since the beginning of the evolution of American cinema, with a particular emphasis on the contemporary problems of the today's American chief censoring body, the Motion Picture Association of America (MPAA). The thesis is divided into four main sections, with the first three parts covering the history of American film censorship and the eventual development of the Film Rating System and with the fourth part dedicated solely to the modern-day controversies of the MPAA and the System. The first part describes film censorship in the early 20th century and explains some of the reasons that led to the established of the notorious Production Code. The second part is then devoted purely to the Code and as such spans nearly three decades during which the Code was in effect. The third part focuses on the time period after the year 1968, when the Film Rating System was created. It follows the evolution of the System while also shortly mentioning some of the factors that motivated its creation. The final part then introduces five main reasons for which the Rating System is currently criticized. In the conclusion the thesis offers a look on the possibilities of the System in the future.

TABLE OF CONTENTS

INTRODUCTION	1
1. PRE-CODE ERA FILM CENSORSHIP	5
1.1 History of Film	5
1.2 Early Censorship	6
1.3 Hollywood Scandals	8
2. THE PRODUCTION CODE ERA FILM CENSORSHIP	10
2.1 The Legion of Decency	10
2.2 The Production Code	11
2.3 The Controversial Films	14
2.4 The Legal Cases	15
2.5 The Code's Decline	16
3. THE FILM RATING SYSTEM ERA FILM CENSORSHIP	19
3.1 The MPAA	19
3.2 Foreign Films and Hard Core	20
3.3 Grassroots Censorship	21
3.4 The Film Rating System	21
3.4.1 The Development of the Rating System	23
3.4.2 How the System Works	26
3.4.3 What the Ratings Mean	27
4. CURRENT CONTROVERSIAL ISSUES	29
4.1 NC-17	29
4.2 Violence v. Sexuality (and Language)	31
4.3 Studios v. Indie	34
4.4 Secrecy and Transparency	35
4.5 Descriptors are not Clear	36

CONCLUSION	39
APPENDIX	44
REFERENCES	50

INTRODUCTION

Government, political or religious censorship are all generally either illegal or highly criticized by modern society. Despite that, various degrees of censorship are still very present in our everyday lives. Today, the prevailing type of censorship, I would say, is the censorship we inflict upon ourselves – the so-called ‘self-censorship’. Self-censorship in culture is a highly debated topic, especially in connection to the relatively new phenomenon of political correctness (PC). According to *Oxford Dictionaries*, political correctness is “the avoidance of forms of expression or action that are perceived to exclude, marginalize, or insult groups of people who are socially disadvantaged or discriminated against” (“Political Correctness”). Even though the positive effects of the PC speech possibly outweigh the negative ones, it also has its critics. Firstly, it may be argued that political correctness is simply just hypocrisy when used by those less concerned with offending anyone than with preventing possible negative backlash in the media. Without having interiorized the genuine interest in minorities’ well-being that should be the motivation behind such self-censorship, the PC speech only serves to – as comedian Stewart Lee wittily remarks in his pro-PC skit – “make [such people] cloak [their] inherent racism behind more creative language” (*41st Best Stand Up Ever*).¹ In such cases, the white-washed language does not only make the potential hidden racism/sexism/etc. more subversive, it also degrades the PC speech into a mere ‘selling strategy.’ Secondly, political correctness can be taken to an extreme, in my opinion, and as such can be quite dangerous to our society. I do not see it as such serious an issue as those who rail against ‘the PC brigade,’ but I would stress out that we, to some degree, face what I would call ‘positive peer pressure,’ of which we should be wary.

For example, in the media (including the internet), it is quite difficult sometimes to speak sympathetically – or in some cases even impartially - about some morally ambiguous act in a specific case, without getting accused of being an apologist, or condoning (and advocating) undesirable behaviour. In such atmosphere, we may feel obliged to make harsh moral judgements and, basically, blow things out of proportion despite our common sense. With such ‘enforced morality,’ we are denied the option of

¹ Lee here talks about the British Conservative Party, but, in my opinion, the quote can be applied more generally.

assessing each event individually and making our own opinions. Under such circumstances, the PC speech, which sets out to protect the individual freedom of often underprivileged groups, limits our personal individual freedom with Orwellian self-censorship.

The clash between self-censoring efforts and the ideal of civil liberties is particularly manifest in the USA, where various pressure groups and grassroots organizations are exceptionally vocal and influential, yet freedom of expression is also a highly-regarded national value, not to mention protected by the First Amendment. Nevertheless, the combined power of the active and energetic crusaders of 'moral majority' on one hand and the pursuit of safe profits by various industries' members on the other, have created a climate where censorship and self-censorship infiltrate all types of media life, from literature to television and radio, and more recently also the internet. Laura Wittern-Keller points out how are these procedures frequently disguised as "parental guidance" or suppression of "obscenity" in her work *Freedom of the Screen* (279). The phrase 'parental guidance' is used, for instance, in the music industry. As a warning about "explicit content" in songs, CDs carry Parental Advisory stickers. The organization that stands behind this practice is the Recording Industry Association of America (RIAA). The RIAA's website claims that "artists appreciate that this is a voluntary program which ... permits them greater freedom of expression while still providing them the opportunity to help parents ... make informed consumption decisions," even though the musicians may be "asked by the record company" to either censor their songs or drop them off the album ("Parental Advisory"). Music on the radio is also often altered with either bleeping over or editing out certain lyrics. If it is not, the radio station may be fined by the Federal Communications Commission (FCC). The FCC is legally responsible for controlling broadcasts and repressing any "obscene ... indecent or profane programming" ("Obscenity, Indecency and Profanity"). For example, in 2004 the FCC ordered the TV station CBS to pay over half a million dollars as a penalty for the infamous Janet Jackson incident during the Super Bowl halftime show. The scandal, of course, caused massive public outrage; however, the *National Coalition Against Censorship* article concerning this fine brings up the question to what degree it was manufactured by various pressure organizations, and compares the situation to a similar event when a TV show *Married by America* provoked 159 angry letters to the FCC - "however, all but three of the complaints were identical" ("More %#@! from the FCC"). The process of either bowdlerizing or

completely omitting certain books out of school curricula is likewise often associated with the Parent Teacher Association (PTA) and similar organizations. The American Library Association monitors such demands – concerning both schools and libraries – which it denotes as “challenges.” Between years 2001 and 2009, ALA registered 4,312 book challenges, out of which “1,413 were due to ‘sexually explicit’ material, 1,125 ... due to ‘offensive language,’ ... and 514 challenges due to ‘violence’” (“Frequently Challenged Books”). The uneven disproportion in the number of complaints caused by sex, language and violence in literature is surely noteworthy.

Similar factors, terminology and issues also characterize the censorship in American film industry, on which I would like to focus in this thesis. The early history of cinematic censorship has been extensively covered by a number of authors who trace the first instances of censoring efforts to 1890s. Film grew increasingly popular in the 20th century, and a pattern emerged, as I will try to demonstrate in my thesis, in which public calls for regulation of the mass medium and government interference cause the industry’s lead figures to establish a self-censoring body to protect their products from outsiders and improve its public image – as seen early on with the Edison’s Trust tactics, the Hollywood’s Production Code in the 1930s and the current Film Rating System. The MPAA’s Rating System, which succeeded the Code in the 1960s, is a self-described guide for parents to inform them about the suitability of movies for children while at the same time promising complete artistic freedom to filmmakers – in contrast to the old Code. Despite that, the System and the MPAA have been practically constantly criticized by filmmakers, journalists and film fans for its inconsistency, double standards and lack of transparency.

The goal of this thesis is to introduce the topic of film censorship in America to European/Czech audience, to summarize its history and offer a critical look at the current self-censoring tool – the Film Rating System. In my work, I will attempt to trace some of the similarities between the System and its predecessors, describe its controversies, evaluate how useful it may actually be to parents, and list some of its possibilities in the future. Various rating systems are used in many European countries, but, to my knowledge, in none does it have such an influence on the film production as in the USA. As the American films dominate the European market, I find it important to familiarize

ourselves with the Rating System and to put into context the various issues and reasons to which this body was created to respond.

1. PRE-CODE ERA FILM CENSORSHIP

1.1 History of Film

It is often stated by the film censorship researchers that the history of film content regulation dates as far back as to the time of the initial introduction of the media to wide audiences at the turn of the century. The network of relations between filmmakers, censors, and other key players in the world of cinema is rather complicated, and so, in order to avoid possible confusion, I would like to first briefly summarize the early history of film industry.

In the United States, motion picture technology was pioneered by the multi-talented Thomas Alva Edison who, with William Dickson, developed the so-called Kinetoscope in 1891 (“Kinetoscope”). However, he soon had to face the competition from Europe, where filmmaking had been flourishing due to Edison’s only patenting his invention for the US market (Braun 191),² and the American nickelodeon³ theatre owners, who by the late 1900s began to produce motion pictures themselves. Among these were the “first- and second-generation immigrants, most of them Jews from Eastern Europe,” such as the would-be film tycoons William Fox, Carl Laemmle, Marcus Loew, Warner brothers, and Adolph Zukor (Schatz, “The Genius of the System” 15). They are commonly referred to as ‘the independents.’

As a counteraction, Edison founded the Motion Picture Patents Company (MPPC), which many authors call ‘The Edison Trust’ or simply ‘The Trust’. It included nine production companies⁴ with patent rights on the film projection apparatus who now claimed exclusive production and exhibition rights (Camonte 7). The Trust members employed several tactics to “control distribution, production, and exhibition of films” including hiring “agents and detectives to enforce [their] rules”⁵. With “exclusive rights to

² According to Braun’s work on the cinematographer Marey, Edison possibly chose to do so knowing the Kinetoscope was only a “product of scientific knowledge freely disseminated” and essentially “nothing new” and thus it might have been difficult to defend his patent right. Edison’s strength was in his having “the financial clout, the labor, and the space to mass-produce Kinetoscopes for license” (191).

³ Nickelodeon was an “early motion-picture theater, so named because admission typically cost a nickel” (“Nickelodeon”).

⁴ These were Edison, Biograph, Vitagraph, Selig Polyscope, Lubin, Star Films, Pathe Pictures, Essanay Studios, and Kalem Company and the “leading film distributor” Kleine Optical (Dirks, “The History of Film: The Pre-1920s, Part 3.”).

⁵ According to Camonte, Edison would send thugs to “smash the cameras and tear up the film reels” (8).

[Eastman Kodak] famed film stock,” they also strictly set “the length of films to one or two reels.” The MPPC thus effectively “monopolized the growing American film industry, specifically in New York and on the East Coast” in general, where most of them were based (Dirks, “The History of Film: The Pre-1920s, Part 3”).

Ousted by the MPPC’s threats, the independents transferred to the current filmmaking Mecca – Hollywood, California. Out of Edison’s reach, they not only found freedom for their enterprise but also ideal filming conditions (Camonte 9). They formed the Edison-opposing Motion Picture Distributing and Sales Company, focused on feature-length films and eventually won over Kodak (Lewis 55). From then on everything went downhill for the Trust until it was ultimately legally dissolved for “violating the anti-trust Sherman Law” and “exceeding patent rights” (“Orders Movie Trust to Be Broken Up”). Due to the decrease of the foreign film influx brought upon by the World War I (Camonte 17) and the MPPC’s retreat, the power in American film industry shifted to the newly unrivalled independents (Lewis 56). Thus, Hollywood as we know it was born.

1.2 Early Censorship

To learn about the earliest instances of film censorship, though, we have to return to the early 1900s East Coast where moving pictures were gradually attracting larger and larger audiences. Initially exhibited in vaudeville theatres or saloons, film became firmly associated with lower classes, to which it offered a wide range of various erotic or crime-related short-features (Czitrom 29). Yet, as such it was looked down upon as “definitely lowbrow, an entertainment for the great unwashed commonality,” as the film historian Terry Ramsaye worded it in his book *A Million and One Nights* (1926) (qtd. in Lewis 90). These ‘uncivilised hordes’ grew even bigger when nickelodeons became popular. This naturally raised some concerns, which Lee Grievenson eloquently summarizes in *Policing Cinema*:

The emergence of nickelodeons from around 1905 led to a series of investigations of the effects of moviegoing on children, women, and lower-class and immigrant audiences, who were constructed in much of this rhetoric as both vulnerable and dangerous. Nickelodeons and moving pictures produced various kinds of antisocial behavior, many of these reports suggested, including juvenile delinquency and sexual immorality.

The ‘attractiveness’⁶ of moving pictures could produce imitative behavior, and, coupled with their ‘manner of exhibition’ in ill-lit spaces, this could lead to the excitation of ‘prurient interest.’ (201-202).

Out of these concerns grew a notion of the ‘impressionable audience’ or, to use Francis Couvares’s term, ‘the Vulnerable Viewer.’ According to Couvares, this phrase usually encompasses children, women or the uneducated who are seemingly unable to distinguish between reality and fiction, and must be therefore sheltered from the corrupting effects of such a media lest they start to emulate what they see on the screen. Couvares actually traces this phenomenon to “the commercialization of leisure in the late eighteenth century,” and “the emergence of the dime novel, the penny press, and the popular theater in the nineteenth century,” when it was also called for “the suppression of ‘cheap amusements’,” in his introduction to *Movie Censorship and American Culture* (2-3). And it is unquestionable that it is still a running theme in popular culture today - and possibly even more so, because we also have television, rock music, video games and the internet to fear - as evidenced in the controversial debate concerning the Columbine High School tragedy, for example.

Whether or not it is valid, this general unease about film screenings and its possible side effects soon materialized in the form of local censorship attempts – from city administration, police or religious organizations. In 1907 the first film censorship ordinance was issued in Chicago. A year later, on Christmas Eve 1908, Mayor George McClellan similarly struck down the New York City film exhibition when he closed the movie theatres in the area. In this atmosphere, New York’s People’s Institute chose to introduce its own censorship board that would – unlike the Chicago one – just give “recommendations” to filmmakers about which material would probably prove to be problematic (Wittern-Keller 22-23). The National Board of Censorship, as it was called, directly affected the MPPC. At that time, there was already an evident desire to “destigmatize” the medium, to “attract a middle-class patronage” (and thus “increase their profits”) within the industry (Czitrom 17), so it came to no surprise that the Edison Trust opted to fully cooperate with the Board and, in doing so, gain legitimacy for its product (Bowser 49). This partnership between the Trust and the Board set the model for industry

⁶ These are all terms taken from Judge Joseph McKenna’s ruling in the 1915 *Mutual* case.

self-regulation that would be later re-visited in Hays' Code and later on in the MPAA's Rating System. Even so, the Board never grew to be that powerful, and it only "fought a losing battle against the establishment of legal censorship arrangements in numerous states and municipalities" (Czitrom 37; 17). Eileen Bowser further elaborates on the topic:

By [1915], laws for state censorship existed in Pennsylvania, Ohio, and Kansas, while Massachusetts and Connecticut had already taken some action toward similar legislation. The ability of the National Board of Censorship to handle the problems had been challenged by the state legislators. Many importers and distributors of foreign feature films were simply ignoring the National Board, and their more sensational features had aroused the nation to the need for some kind of censorship. Since the National Board of Censorship had no legal powers, some saw it as useless. ... Nevertheless, these local efforts to stop legal censorship failed, and censorship laws continued to spread to other states. (51)

The vulnerability to local censorship even deepened in 1915 when the landmark *Mutual Film Corporation v. Industrial Commission of Ohio* case verdict denied film First Amendment protection and labelled it "business pure and simple." As a result, for almost forty years movies would be susceptible to legal "prior censorship" (Maltby 101-102).

1.3 Hollywood Scandals

In addition to the legal battles, the independents' post-WWI Hollywood still had to fight for legitimacy on the PR field. Sensationalist stories of the depravity and hedonism that accompanied the lifestyle of its stars earned it notoriety that would escalate in a series of especially 'juicy' and shocking scandals in the 1920s – the alleged suicide of actress Olive Thomas (1920), the mysterious death of director William Desmond Taylor (1922), the overdose of actor Wallace Reid (1923), and, most notably, the highly publicized trial against Roscoe "Fatty" Arbuckle for rape and murder (1921) that briskly ended the comedian's career (Neibaur).

The public uproar was followed by considerable "unwanted attention from state and federal government entities who were being pressured (most prominently, by Catholic organizations) to take action" (Smith). This criticism then led directly to the creation of

the Production Code, first by setting up the Motion Picture Producers and Distributors Association of America in 1922. The MPPDA was meant to “re-shape the industry’s public image, to settle issues or common problems, and to keep the industry afloat amidst growing concern to shut it down.” The control over the trade organization was given to William H. Hays (Dirks, “The History of Film: The 1920s, Part 4”). How insightful this move was can be demonstrated by the fact that by 1925 “thirty-five of the thirty-six states contemplating film censorship abandoned their efforts” (Lewis 96). Nonetheless, there were still pressure groups, and in the 1930s the most famous one gained enough power to push the MPPDA to enforce its guidelines more strictly – the Legion of Decency.

2. THE PRODUCTION CODE ERA FILM CENSORSHIP

2.1 The Legion of Decency

The Hays Office dominated the movies throughout the late 1920s and 1930s, but there was another key player that was equally feared by the filmmakers for its undisputable influence over the industry – the Catholic Legion of Decency.

The Legion was born in 1934 as an answer to both a perceived “increasing ‘anti-Catholic’ nature” of the modern sound movies (Jowett 37) and “fear of Protestant theological and moral hegemony” (Lewis 101). It swiftly went into action and set to organize a full scale boycott - which was hardly “an insignificant threat during the early years of the depression,” as Stephen Vaughn concludes (241). The LOD worded a pledge which would be signed by its followers that denounced films as “debauching,” “corrupting public morals,” and “promoting a sex mania,” and demanded Catholics ignore all films but those that “do not offend decency and Christian morality” (Doherty, “Hollywood’s Censor” 57). To distinguish those movies from the immoral ones, the Legion gave each one its own rating:

- A-I for general patronage
- A-II for adults and adolescents only
- A-III⁷ for adults only
- A-IV for adults with reservations
- B objectionable in part for all
- C condemned
- (“Roman Catholics”)

C-rated films had to face similar difficulties the X- and NC-17-rated films do now – not only were they banned for Catholics, but also “a lot of theatres wouldn’t play [them] ... That opened up the possibility of other censorship elements – from cities and states and groups and so forth,” says film historian Rudy Behlmer in the short documentary about the difficulties *Streetcar Named Desire* had with censors called “Censorship and Desire”.

⁷ A-III and A-IV ratings were only added in 1965 (“Roman Catholics: The Changing Legion of Decency”).

Because of that, most filmmakers re-edited their movies according to the Legion's objections. Thus, they had to practically subject their work to censors (at least) twice – once to the Hays Office and once to the Legion.

Despite its powerful run in the 1930s, the Legion did not survive the generation clash that followed the World War II and “lost touch with a new generation of better-educated Catholics.” In 1980, the Legion – by then called the National Catholic Office for Motion Pictures – definitively disintegrated. Frank Walsh reports in *Sin and Censorship* on the current state of Catholic film lobby:

Although individual Catholic leaders continue to speak out against what they consider objectionable content in today's films, much of the current criticism is coming from conservative fundamentalist Protestant groups who have adopted many of the Legion's old tactics, including letter-writing campaigns, decency oaths, film morality ratings, boycotts, and pickets. (2-3)

2.2 The Production Code

As I have explained in the chapter on Hollywood scandals, the studios established the MPPDA because they wished to uplift the industry's reputation in the wake of the 1920s scandals and thus avoid government interference. A Presbyterian with valuable connections in Washington, William Hays, was chosen to be its president and public face. He was widely believed to “be a zealous reformer,” who would not get enchanted by the Hollywood glamour. His new position thus sent a clear message of Hollywood's repentance to the public (Lewis 96-97).

Hays' goal, as the new head of MPPDA, was to find a way to ensure that the studio's products could be freely marketed without any restrictions imposed by the local censors. But since the various boards used no fixed set of standards for reviewing the movies, he had to first map the problematic terrain to find which material would most likely be found objectionable, as Gregory D. Black recounts:

In a continuing effort to gain control over the studios and the content of films, Hays next created a Studio Relations Department (SRD) and appointed Jason Joy, a former executive secretary of the American Red Cross, as its director. ... The SRD drew up a code of the most common

demands of the municipal and state censorship boards. The working document became known as the “Don’ts and Be Carefuls” and prohibited, among other things, profanity, nudity, drug trafficking, and white slavery; it also urged producers to exercise good taste in presenting such adult themes as criminal behavior, sexual relations, and violence. Even so, each studio interpreted these guidelines according to its own inclination, and criticism continued (“Catholic Crusade” 10).

Owing to this studio disobedience, the list failed to fulfil its purpose. The determined Hays, though, still encouraged the formulation of such production guidelines, and even approached several religious or otherwise highly regarded groups⁸ to help the Studio Relations Committee with its task (Vasey 103). Catholic priest, Daniel Lord, then drafted what was to be known as the Motion Picture Production Code (Black, “Hollywood Censored” 6). Next, the important industry figures were also, naturally, given their chance to comment on the document, and with their approval, the Code was put into effect in April 1930 (Maltby 105). The SRC presidency and the Code were both eventually entrusted to Joseph Breen, who was a “prominent Catholic”. Backed by the New York management, Breen had great power over the resistant studio owners while he could also use his religious profile to keep the Legion at a distance (Doherty, “Pre-Code Hollywood” 327). When the Legion embarked on its crusade in 1934, Breen’s Committee intensified its oversight of the film production and christened itself the Production Code Administration (PCA) (Jacobs 110).

The Production Code Administration is commonly called the Hays Office while the Production Code is correspondingly referred to as the Hays Code. In spite of that, Hays did not author the Code, and it was solely Joseph Breen who was responsible for its implementation (The Forward and Thomas Doherty). Breen and his employees would read every script in order to detect potentially problematic material so that it could be removed

⁸ According to Ruth Vasey, there were sixty such organizations involved, out of which she lists “the Daughters of the American Revolution, the Boy Scouts, the General Federation of Women’s Clubs, the National Congress of Mother and Parent-Teachers Associations, the YMCA, the American Federation of Labor, the Associated Advertising Clubs of the World, the Dairywomen’s League Cooperative Association, and the U.S. Chamber of Commerce” in her essay in *Controlling Hollywood* (103).

before the production of the film started. The same went for literature which was thoroughly examined before the studios attempted to secure the rights to adapt it into a movie script. This gave Breen the option to “block the acquisition of certain novels and plays” (Jacobs 110). The PCA could monitor the whole production of a film and upon its completion review it again and, if need be, demand additional editing and cuts. Only then was the film awarded the PCA seal of approval. If the film was released without the production seal by a MPPDA member, the studio had to pay a fine.

The Code itself was rewritten – or rather *rephrased*, as the alterations were quite possibly not that radical – several times, so it is impossible to decide which version is the “definitive and canonical,” as Thomas Doherty emphasizes in his book on Joseph Breen (351). The core of the document listed twelve topics or elements that the filmmakers should either completely avoid or, at least, portray most carefully:

- I. Crimes Against the Law – depictions of those were not to incite “sympathy with the crime against the law” nor should they have been descriptive enough to serve as instructions.
- II. Sex – adultery or “scenes of passion” should have only been hinted at while the “sanctity of marriage” should not have been questioned. Filmmakers were also warned, somewhat unnecessarily, that “seduction or rape [!] ... are never the proper subject for comedy.” The Code also banned all “sex perversions,” interracial sex scenes, white slavery, any type of child delivery (not even “in silhouette”), or children’s nudity from being portrayed in motion pictures.
- III. Vulgarity – “should always be subject to the dictates of good taste.”
- IV. Obscenity – any suggestive material was not allowed.
- V. Profanity – all curse words (hell, damn), including exclamatory Jesus, God, or “Gawd,” were also banned.
- VI. Costume – not surprisingly, no nudity or “indecent exposure” was allowed in Code approved. Nor was any “lecherous or licentious notice thereof.”
- VII. Dances – should, again, not be “suggestive.”
- VIII. Religion – was not to be mocked or vilified.
- IX. Locations – attention was drawn to bedrooms which were yet again to be dealt with the indefinable “good taste and delicacy” by filmmakers.

- X. National Feelings – this section reminded artists to treat the national flag “respectfully” while both American and foreign citizens and institutions were to be “represented fairly.”
- XI. Titles – had to be tasteful.
- XII. Repellent Subjects – is a list of other tricky situations which might prove to be problematic for filmmakers, and which were for some reason (unknown to me) not incorporated in the sections detailed above. It included, for example, scenes of capital punishment, “surgical operations,” prostitution, or animal cruelty – which were all also meant to be portrayed tastefully.

(“The Motion Picture Production Code”)

Today these rules seem, of course, unreasonably strict, and even the MPPDA’s successor, the MPAA, often points out its being unintentionally “humorous,” yet highly “restrictive” (“The Movie Rating System” 4). On top of that, one of the side effects of the Code, as Czech film critic and subtitler Věroslav Hába observes, was the resultant “uniformity of film composition throughout the whole Hollywood production”. Hába argues, that “even such controversial social issues as, for example, organized crime were reduced to a harmonic peaceful image” at the end of the film (67). This was caused by the PCA’s insisting that “character’s transgressions” were counterbalanced by “compensating moral values,” such as “good characters, the voice of morality, a lesson, regeneration of the transgressor, suffering and punishment” (Jacobs 115), or, as Jon Lewis’s fittingly adds, “absurd plot twists or tackled-on voice-overs” among which he counts, for instance, the highly ineffective “cautionary prologue” of the 1950s biker drama *The Wild One*, starring Marlon Brando as the titular charismatic rebel (123; 109-110). I would say that it is not surprising that many directors, producers, and actors quickly came to resent the censors.

2.3 The Controversial Films

Some Hollywood artists learned to ‘play the game’ and appreciate the publicity the conflicts with Breen brought them. Mae West, in particular, is famous for embracing the censorship saying she “made a fortune out of it” (“Hollywood cenzuruje” 26). On the other hand, the independent producer and Golden-Era-Hollywood titan David O. Selznick refused to obey the PCA when filming his epic classic *Gone With the Wind* and have the iconic “Frankly, my dear, I don’t give damn” line cut:

Rhett Butler's memorable last line presented a serious problem. A few of the suggested alternatives were 'Frankly my dear... I just don't care,' '... it makes my gorge rise,' '... my indifference is boundless,' '... I don't give a hoot,' and '... nothing could interest me less.' Although legend persists that the Hays Office fined Selznick \$5,000 for using the word 'damn', in fact the Motion Picture Association board passed an amendment to the Production Code on November 1, 1939, to insure that Selznick would be in compliance with the code. Henceforth, the words 'hell' and 'damn' would be banned except when their use 'shall be essential and required for portrayal, in proper historical context, of any scene or dialogue based upon historical fact or folklore ... or a quotation from a literary work.' ("Gone With the Wind Trivia")

While Selznick succeeded in bending the Code to his will, another famous Hollywood eccentric, Howard Hughes, openly "refused to cooperate with either the Legion of Decency or the Production Code Administration" when he re-released his 1943 western *The Outlaw* after the War. He orchestrated a provocative mass campaign that focused mainly on its star's, Jane Russell's, sexuality. What ensued was that the PCA attacked "Hughes's marketing" and severed "its own advertising code." Hughes's actions are now for that reason often regarded "counterproductive" (Schatz, "Boom and Bust" 320). Even though Hughes's victory over the PCA with the popular title can be seen as somewhat Pyrrhic, it was still obvious that the days of the Breen's office's reign were coming to an end.

2.4 The Legal Cases

In 1948, amidst the post-war box office downfall and a year after the House Committee on Un-American Activities started to investigate Hollywood, the studio's power was shattered by the so-called *Paramount* case ruling. In it, the Hollywood major studios' practices were unanimously found "in violation of the Sherman Antitrust Act" as a "prevention of competition." The studios were subsequently forced to give up the theatres they owned and prohibited such strategies as "block booking and price fixing combinations" (Witvern-Keller 100). With their control over the film distribution diminished, the studios then had to find a new way to extend power over the market.

Four years later, another important case significantly affected the industry. It was the *Burstyn v. Wilson* case, which is popularly known as the *Miracle* case. It concerned three films distributed in the USA as a series under a common title *Ways of Love*, one of which was *The Miracle* by Roberto Rossellini that gave the case its nickname. The conflict arose between the films' distributor, Joseph Burstyn, and New York City local censors, eventually ended up at court, and in 1952 reached the Supreme Court where Burstyn won and the Justices allowed, after forty-seven years since the *Mutual* case, film the First Amendment guarantee of free speech (Draper 186-187). With the Supreme Court now opposing the legal censoring efforts, the filmmakers' need for the PCA to protect them understandably reduced.

2.5 The Code's Decline

The PCA's (as well as the Legion's) authority continued to progressively weaken in the early 1950s, and especially so because cinema now had to fight for its viewers with television:

Studios and independent producers were under pressure to find new, more sensational subjects and thus revive audience interest. They pushed against the restraints of the Production Code in a variety of ways: with more revealing costumes for women (*The French Line*, 1954); franker attitudes toward adultery (*From Here to Eternity*, 1953); and well-made treatments of previously forbidden subjects (*The Man With the Golden Arm*, about drug addiction, 1955; *Tea and Sympathy*, about the fear of homosexuality, 1956). (Lev qtd. in Smith)

Director Otto Preminger provided several big challenges to the PCA system in the 1950s, most noticeably when he adapted *The Moon is Blue* for the United Artists in 1953. Unable to obtain the PCA seal of approval, and unwilling to cut the movie to the censors' wishes, "Preminger and United Artists decided to release the film without a seal, with United Artists temporarily dropping out of the MPAA to avoid paying a fine" (Lev qtd. in Smith). Thus, it became the first big studio feature that dared to enter the marketplace without the PCA's approval (Wittern-Keller 186). Its successful run in theatres further eroded the PCA's hold over the industry because it now appeared to be no longer a necessity for commercial profit.

Perhaps the biggest directorial star closely associated with that era, Elia Kazan, fought with the PCA over both of his Tennessee Williams adaptations. The script for the critically acclaimed *A Streetcar Named Desire* (1951), in Breen's view, demanded a series of alterations, mostly subduing the inherent sexuality of the play, as evidenced in a documentary on *Streetcar's* troubles with censorship, "Censorship and Desire." Out of the PCA's memos about the corrections that need to be done emerged three serious digressions from the source material, which, in my opinion, quite hurt the poignancy of the original narrative. Firstly, Blanche's sexual history was only to be vaguely implied. More significant was the fact that Blanche's late husband's homosexuality was completely suppressed. In the film, she only admits to having accused him of being weak. The PCA's biggest concern was the so-called 'rape-scene,' which was completely unacceptable under the Breen's system, but which Kazan resolutely refused to leave out. Eventually, the two sides negotiated a compromise, as film historian Rudy Behlmer and the *Streetcar* star Kim Hunter recollect in the documentary:

Behlmer: "The compromise in this instance, which apparently Kazan came up with, is that the rape will take place, but it will be done very carefully and by indirection and mirror will be smashed and you are not going to see any actual aspect of the rape."

Hunter: "But, in order to allow the rape scene to be left in, they had to make it seem as if Stella was leaving Stanley and would never come back. She would *never* leave him... But he had to be punished in order to leave in the rape scene."⁹

Kazan then proceeded to film the version of the movie we know today. But in 1951, the Legion of Decency threatened the studio with a C-rating unless some further editing is done. In the end, it was screened with, for example, the memorable "Stella!" scene

⁹ This bargain between the opposing sides is a perfect example of the "compensating values" to which I first referred in chapter 3.2.2.

accompanied by a different score, as the original music was found “too carnal and suggestive,” says record producer Robert Townson in the documentary¹⁰.

Five years later, Kazan grew even more impatient with the Code and vowed to rather release the controversial *Baby Doll* without the seal of approval than to haggle with the Code Administration – now led by Geoffrey Shurlock - again. He was supported by the studio – Warner Brothers – who “had [already] invested so much money in the project that it was committed to completing it with or without [the] seal.” The PCA gave in, and *Baby Doll* triumphantly entered theatres, yet, unfortunately, failed at the box office (Lewis 119-126).

The two films to finally bring down the PCA were most likely the 1966 drama *Who's Afraid of Virginia Woolf*, with acting power-couple Taylor-Burton in the main roles, and Michelangelo Antonioni's Swinging London classic *Blow-Up*. The PCA refused to award its seal to both films. The American distributor of the European *Blow-Up*, MGM, bypassed the PCA by releasing it through its “wholly owned and operated non-MPAA subsidiary Premier Films.” That theatres opted to “ignore ... [their] cooperative arrangement” with the MPAA and screened the disapproved film undoubtedly highlighted the “growing irrelevance of the old code,” concludes Jon Lewis (146-148). The Edward Albee adaptation, at the same time, was “granted an exemption” and distributed with a tag ‘for adults only’. Its success could have been perceived as a demonstration that an “age based, exhibitor-enforced system” was a highly perspective possibility for the industry (136-139). And the man who championed such a system was the MPAA's president, Jack Valenti.

¹⁰ This seems like a minor change, but the difference is quite shocking in reality.

3. THE FILM RATING SYSTEM ERA FILM CENSORSHIP

3.1 The MPAA

The Motion Picture Association of America (MPAA) stems from the original Motion Picture Producers and Distributors of America (MPPDA) that was led by William Hays during the Code years. After the World War II, Hays resigned, and his position was taken by Eric Johnston. He then focused mainly on protection and marketing of the member studios' films outside the US. For that purpose, he created the Motion Picture Export Association in 1945 (Segrave 141-142). Johnston held his post till his death which was followed by three-year 'interregnum'. Finally, Jack Valenti, an ex-member of Lyndon B. Johnson's administration, took up the job in 1966. During his presidency over the MPAA, the Film Rating System came into use with Valenti being the main force behind its formation and, arguably, its greatest advocate. Valenti has been closely associated with the Rating System and, as a quite high-profile figure; he has been also often targeted by its critics – much more so than his successor Dan Glickman who headed the organization between 2004 and 2010. Since the 1990s and 2000s internet boom, the MPAA has focused its attention on fighting the internet piracy ("History of the MPAA"). It is currently led by Christopher J. Dodd, former US Senator for Connecticut ("Chairman and CEO").

Nowadays, the MPAA represents the six most powerful Hollywood studios: Disney, Paramount, Sony, Twentieth Century Fox, Universal and Warner Bros ("About Us"). Each studio is merely a part of a larger corporation, though, and many have control over smaller and/or previously independent motion picture companies. The Walt Disney Pictures is formed by the famous animation studios (including the popular Pixar) as well as Touchstone and Hollywood Pictures, which both aim at older moviegoers. The overall Walt Disney Company, apart from the theme parks and affiliated enterprises, also owns various TV networks such as ABC or ESPN ("Company Overview"). The Paramount Pictures, together with MTV Films and Nickelodeon Movies comprise the Paramount Film Group that is owned by Viacom ("*Paramount.com*"). Sony Picture Entertainment, Inc. is the parent company to the Columbia Tristar Motion Picture Group, i.e. Columbia Pictures, Sony Pictures Classics, Screen Gems and TriStar Pictures ("Corporate Fact Sheet"). Twentieth Century Fox, itself part of a larger group that includes the Fox TV station, has the indie-oriented Fox Searchlight Pictures as its subsidiary ("*Fox Movies.com*"). Universal

Pictures and Focus Features are both components of the multi-corporation NBCUniversal that encompasses a wide range of companies such as the NBC TV station and the successful online video streaming website Hulu (“*nbcuni.com*”). Lastly, Warner Bros. Pictures is part of the Warner Bros. Company – a conglomerate that includes the Warner Bros. Home Entertainment Group, the New Line Cinema studio, the CW television network, and the DC Entertainment, Inc. among its many holding companies (“Company Info”).

According to Kirby Dick’s documentary *This Film Is Not Yet Rated*, the MPAA member motion picture companies “control more than 95% of the U.S. film business” and their parent companies then “together own more than 90% of all media in the U.S.” With such dominance over most marketing venues, which include newspapers, TV stations, and internet companies, the studios have numerous options how to cross-promote and influence the public image of their products. Jon Lewis further adds the “dependence on market research” and “development of fewer, more predictably profitable product lines” to the “corporate practices” that the MPAA employs in order to secure itself its position and profits (65-69). Modern Hollywood rarely takes risks with controversial films; most often it chooses to ‘play it safe’. Lewis ascribes this strategy throughout his book to the post-*Paramount* loss of power and the general disinterest in studio production in 1950s and 1960s.

3.2 Foreign Films and Hard Core

Ever since the days of the MPPC, European filmmakers were considered bitter rivals by their American counterparts. However, the 1960s brought an interest in European cinema and foreign films began to be screened at a bigger scale in the USA. Věroslav Hába attributes this change to the influence of “film festivals, universities, art theatres” and the attractive “thematic maturity” of the “European import” (68) while Lewis, on the other hand, stresses the “decreasing domestic production” (144). Either way, “adult or mature content ... became increasingly associated in filmgoer’s minds with foreign-made pictures,” Lewis points out. “European-style films,” he says, were popular with the young adult audiences. If the MPAA, then still bound by the restrictive Production Code, wanted to attract this most lucrative age group, it had to come up with a system that would enable it to distribute such films (145). This, of course, was the Film Rating System.

While the Rating System was being introduced, another MPAA rival emerged in the short-lived period of Hard Core mania of the early 1970s. It peaked with the 1972 X-rated porn hit *Deep Throat* which was successfully screened even in the non-porn theatre circuit (Lewis 208). However, in the end it only confirmed the importance of the System. In 1973, the Supreme Court drastically reduced “the theatrical exhibition of hard core” (252). The MPAA distanced itself from the X rating (229), which have become mentally associated with pornography, and thus once again opted for self-regulation in order to avoid government intrusion.

3.3 Grassroots Censorship

A series of “Supreme Court reversals on state board prohibitions and bans” in 1950s and 1960s “rendered *state* censorship impractical if not impossible”. In the perceived lawlessness that followed, demands for some kind of extra-industry regulation remained, yet they were now actively pursued only by diverse grassroots organization or pressure groups. Nevertheless, their efforts can hardly be taken lightly, as they are “unpredictable, extralegal, and highly effective” (Lewis 127). It is common knowledge that a possible boycott or a protest action are so apprehended that subjects that might offend either the religious and/or conservative on one side or minorities’ rights supporters on the other are often avoided or ‘treated carefully’ by the filmmakers (Lyons 278). One may argue that the media attention these protests attract can only help to promote the movie, but there is no guarantee that the ‘any-publicity-is-good-publicity’ strategy will work, as the results vary on a case-by-case basis. As an illustration of this fact, one can contrast the *Last Temptation of Christ*, which did not withstand the aversion its controversial take on a religious topic caused, with *Dressed to Kill*, which enjoyed commercial success despite the objections of feminist activists (309). The most vocal groups still have an undeniable influence on the industry today.

3.4 The Film Rating System

The Film Rating System in practice means the Rating Board evaluates a film and subsequently gives it a rating which determines whether the film is suitable for all audiences or if only viewers of certain age should be permitted to see it. The MPAA thus, in theory, does not regulate the film content, but it ‘classifies’ movies with regard to their appropriateness to certain age groups. In other words, it restricts the (age) diversity of

the audience rather than the material on screen (Rudovský 67). The System is voluntary, but the MPAA members are contractually bound to submit their films to the Rating Board. The System is then put into effect by the National Association of Theater Owners (NATO) whose responsibility is to “refuse admission to R-rated movies by unaccompanied children or to NC-17 movies by [any] children” (“FAQ”).

The Film Rating System was introduced in 1968. The MPAA itself often likes to connect the event to the 1960s cultural revolution. Jack Valenti described the period thusly:

By summer of 1966, the national scene was marked by insurrection on the campus, riots in the streets, rise in women’s liberation, protest of the young, doubts about the institution of marriage, abandonment of old guiding slogans, and the crumbling of social traditions. It would have been foolish to believe that movies, that most creative of art forms, could have remained unaffected by the change and torment in our society. The result of all this was the emergence of a “new kind” of American movie—frank and open, and made by filmmakers subject to very few self-imposed restraints. (“Ratings: How It All Began” qtd. in Smith)¹¹

It seemed that “sweeping revisions ... to the Hays Code to reflect changing social mores” were necessary. The new system offered “creative and artistic freedoms to filmmakers while fulfilling its core purpose of informing parents about the content of films” (“History of the MPAA”). More importantly, though, the Rating System solved the difficult situation Hollywood studios were in amidst the turbulent events of the post-war era – the *Paramount* decision, the Red Scare and the blacklist, and later on the growing popularity of foreign-made and independent films have “coincided with a steady decline in box office revenues ... [caused by] shifting demographics, vastly expanded leisure, competitive pop culture industries (TV and then rock and roll music and the various youth oriented industries that accompanied it)¹²,” as Lewis explains (65-66). The desperate studios grew increasingly

¹¹ The quotation is taken from the old version of the MPAA website. The site has been since modernized, some sections were slightly rewritten, and Valenti is no longer stated to be their author, even though some phrases are taken directly from the former version.

¹² As evidence of how serious the situation really was for the studios, Lewis remarks that by the end of the 1960s, “four of the six studios (Paramount, Universal, MGM, and United Artists) were in serious trouble” with Paramount being “on the verge of collapse” (151; 156).

more ready to take risks and “ignore long-standing codes of industry conduct.” They would elude the old Code while the foreign and indie movies were not bind by its rules at all. This ‘anarchy’ “threatened the long-term stability of the industry” that is based on networking and merging of interests (135). With the Rating System came once again order and a way how to work “under a set of mutually agreed-upon guidelines” (150-151). On top of all that, it also enabled the studios to better “differentiate between product lines” and thus more effectively “promote in advance of release films” with respect to their target audience (153). Laura Wittern-Keller further mentions two 1968 legal cases signalling the “threat of national film classification legislation,” which would be legally forced upon the film industry, as a motivation behind Valenti’s decisions concerning the Rating System (277). Justin Wyatt briefly summarizes them in *Controlling Hollywood*:

Ginsberg v. New York offered a distinction between material that could be considered obscene for children rather than for adults. *Interstate v. Dallas* ruled against that city’s classification system due to its vagueness, but suggested that classification was permissible as long as it was “constitutionally drawn.” (241)

3.4.1 The Development of The Rating System

When reinventing the self-regulating body, Valenti – like his predecessor Hays – engaged a number of the major industry players in the process. After “more than 100 hours of meetings with [NATO members] and ... guilds of actors, writers, directors and producers, craft unions, critics, religious organizations and the heads of MPAA member companies,” as per the CARA-issued document about the System, he emerged with the four original rating designations on November 1, 1968 (“The Movie Rating System” 6). These were:

G — For general audiences, all ages admitted.

M — For mature audiences, parental guidance suggested, but all ages admitted.

R — Restricted, children under 16 not admitted without an accompanying parent or adult guardian.

X — No one under 17 admitted.

(“A Look at the MPAA’s Movie Rating Definitions”)

The X rating was not trademarked by the MPAA, and as such it could be applied to any film whether it was actually rated by the Board or not. Valenti apparently claimed to have chosen to do so particularly for that reason – “so that if somebody [didn’t] want to submit a picture, they [could] use the X,” and the MPAA would avoid the possibility of being “challenged on First Amendment grounds” (Wyatt 241). The M rating was soon changed to GP and eventually to the currently used PG. Even though the MPAA seems to somewhat distance itself from the Hays Code, one should not overlook the fact Wittern-Keller emphasizes - that there is a considerable “degree of continuity between the original Production Code and its successor administration... [T]he new rating system employed much of the personnel of the old PCA, including its chief, Geoffrey Shurlock” (277).

Of the new ratings, the liberating X was initially welcomed by the filmmakers interested in the ‘adult intellectual art’ aura. Several artists attempted to challenge the rating, from the 1968 Academy Award-winning drama *Midnight Cowboy* to the 1972 Brando-led *Last Tango in Paris*, which both succeeded commercially and critically (Wyatt 255). Nonetheless, by the mid-70s, the rating was being widely used by the porn industry as a marketing tool to a point where the two became inseparable. As a result, most theatres would not screen X-rated films while the press likewise limited their marketing possibilities (244). The X rating became the ‘kiss of death’ for a studio film, as it meant certain commercial failure.

Due to the swift defamation of the X, voices were soon heard that called for the introduction of a new, MPAA-approved rating that would distinguish art from porn. Yet, Valenti refused – and it took him almost twenty years before he yielded to the pressure. On the other hand, he lobbied for the R rating to be made “increasingly inclusive.” Lewis debates whether Valenti used this tactic in an attempt to attract the “key moviegoing demographic: the twelve- to twenty-nine-year-old age group” and, at the same time, disclaim the rating as only “for non-MPAA films”:

The MPAA used the *X* rating to effectively marginalize foreign art as well as American independent, underground, and experimental films. ... By 1973 CARA functioned much like the old PCA. ... Distributors of X-rated films were forced to seek a payoff on a parallel, limited theatrical circuit. ... [Those] hoping to participate in the legit market had to submit their films to CARA. ... Even non-MPAA distributors were compelled to alter their product to suit an anonymous ratings board appointed and supervised by their competition, the MPAA studios. (188-189)

As was noted above, Valenti was open to suggestions as far as “the lower end of the range” of the rating list was concerned (188). But the main instigator behind the PG-13 – a step between ‘children’s PG’ and ‘adult-R’ - was another seemingly all-powerful Hollywood figure, Steven Spielberg. By 1984, Spielberg had already achieved great commercial success with a series of hits such as *Jaws*, *Raiders of the Lost Ark*, *E.T.* and *Poltergeist*, both as director and producer (“Steven Spielberg”). Despite that, complications arose with the Indiana Jones sequel, *Indiana Jones and the Temple of Doom*, with its notorious scene of man’s heart being torn out of him alive. Its release was soon followed by the horror/comedy *Gremlins*. Despite some considerable violence – for 1980s – both films were rated PG to much public outrage. Spielberg himself admitted, as Eric Snider reports, that he “created the problem and ... also supplied the solution.” What Spielberg achieved was that he convinced Valenti to create a new rating and even specifically “suggested something like PG-14 to [him]”. Valenti was definitely inspired, but he would eventually opt for the 13 age limit (Snider).

Unlike the introduction of PG-13, the replacement of the demonized X rating was a remarkably less rapid process, and it was as late as 1990 that the MPAA finally got rid of it and, instead, brought the fresh, copyrighted NC-17 rating. The first film that was assigned NC-17 was the biographical big studio feature *Henry and June* whose director Philip Kaufman had beforehand refused the X rating (“Hollywood cenzuruje” 30). Lewis considers it “the perfect film to introduce the new designation” because it “was a gorgeously shot, serious bio-pic by a director with a considerable reputation.” In spite of the great expectations, the film ultimately “failed ... at the box office” anyway (296), and it ended up being the first big blow to the rating as well. The only other serious attempt to bring the new rating to the masses was unfortunately the 1995 infamous box-office flop,

Paul Verhoeven's *Showgirls*, which is by now far better known for its financial and critical failure than for any of its plot. The financial struggles of both films discouraged the filmmakers and the studios from venturing into the adult-film genre, and the NC-17 is now equally as avoided as the X was before. *Henry and June* and *Showgirls* thus, ironically, remain the highest grossing NC-17-rated films of all time, earning over \$11 million and \$20 million dollars respectively ("Top Grossing NC-17").

3.4.2 How the System Works

The Film Rating System falls under the authority of the Classification and Rating Administration (CARA). CARA was formed as a result of cooperation between the MPAA and the National Association of Theatre Owners (NATO) and "is operated as an independent division of MPAA." Economically, the Rating Board is not directly dependant on the MPAA as it is financed from the fees that are a requirement from the filmmakers in the film rating process¹³ ("Classification and Rating Rules" 1). The president of CARA is Joan Graves. The Rating Board itself consists of ten raters (Bowles) who assign over 800 ratings each year (Cruz), reviewing "three movies a day, five days a week" – a job that is, according to Graves, rewarded with a "teacher's pay" (Verrier). It is prerequisite that all members are parents themselves (the regular raters must be parents of a child from the five to twenty-one age group) in order to reflect the average American parent's stance. There are also three Senior Raters who, according to the "Classification and Rating Rules," have "demonstrated experience and judgement in the rating" (2). They moderate the process and hand out the ballot to the Board members where they choose the proper rating and also list "the factors that went into the decision, such as violence, nudity and language." The prevailing opinion is considered the official rating (Bowles).

When the filmmaker is dissatisfied with the given rating, he/she can apply to the so-called Appeals Board, consisting of MPAA and NATO officials, to re-evaluate the film and possibly overturn the initial decision. The Board members first screens the movie in question and afterwards "hear from the filmmaker and the head of the Rating Board" ("The Movie Rating System" 14). The film defendants have been recently granted the right to

¹³ These fees differ from movie to movie according to its negative cost and the "submitting party's yearly aggregate gross income from motion picture distribution" ("Classification and Rating Rules" 1).

cite other movies that received a less harsh rating for comparable scenes as a precedent, but they are prohibited from using “the impact of the rating on the exhibition, distribution or anticipated financial results of the motion picture” as an argument (“Classification and Rating Rules” 20). The chances of a successful appeal trial are fairly low, as the Board only appeals “fewer than a dozen ratings” annually, and just “one-third of those” are in the defendants’ favour (“The Movie Rating System” 14).

3.4.3 What the Ratings Mean

At the time, there are five ratings used by CARA and copyrighted by the MPAA. The least severe rating is the G rating. G stands for “General Audiences,” which means that “All Ages [are] Admitted” to the screening of a G-rated film. There is no problematic material in such a movie, except occasional “snippets of language [that] may go beyond polite conversation.” According to the CARA’s document “The Movie Rating System,” the “depictions of violence” one can find in G-rated films, are “minimal.” Films that are slightly looser in terms of language, violence or “sensuality,” yet not “intense” enough “to require that parents be strongly cautioned” are rated PG, as in “Parental Guidance Suggested.” Neither G- or PG-rated movies portray drug use - well, except for tobacco, as smoking is cited in the Descriptors of four out of twenty PG-rated motion pictures I have included in my list of 107 films’ ratings (see: Appendix). Nevertheless, any (other) depiction of drug use earns a movie “at least a PG-13 rating.” The difference between PG and PG-13 is that PG-rated films “may not be *suitable* for children” while PG-13-rated material “may be *inappropriate* for children.” There is, of course, the implied age limit of 13, but it is not actively enforced by theatres. PG-13-rated violence is “generally not both realistic and extreme or persistent,” which I find difficult to agree with knowing that such features as all new Batman, Bond and Bourne action movies are PG-13s. One rating rule that is quite well-known to public is that “more than one ... harsher sexually-derived expletive requires an R rating.” One ‘fuck’ used in “a sexual context” also automatically results in an R. However, the CARA raters reserve themselves the right to evade this rule when such profanity is defensible by “the context or manner in which the words are used or because the use of those words in the motion picture is inconspicuous.” One may, naturally, suspect the MPAA and CARA of constructing such an exception to enable giving big studio pictures a free pass to the commercially most desirable rating, but I assume that would be difficult to prove. The aforementioned R is an abbreviation for

“Restricted” which denotes a film to which “children under 17” need to be “accompanied by parent or adult guardian.” The only other restricted rating is the NC-17 which prohibits any child “17 and under” from seeing the movie, as “most parents would consider [it] patently too adult for their children” (8-10).

The complete rating designation consists of three parts. Firstly, there is the rating itself – i.e. one of the five abbreviations and a short explanation of what it means, for example “General Audiences,” or “Restricted.” This is further elaborated in the so-called “Rating Definition” that offers a lengthier version of the guidelines, such as “Some Material May Not Be Suitable For Children” for PG. And thirdly, the specific reasons that earned the particular film its rating are listed in the Rating Descriptor (“The Movie Rating System” 11). The Descriptors are attached to give the parents the opportunity to decide for themselves whether or not they find the mentioned reasoning serious enough to forbid their child from viewing the movie. This is particularly important in consideration of the R-rated films, to which children need an accompanying guardian (Graves, “MPAA Rating Chief”).

4. CURRENT CONTROVERSIAL ISSUES

The subject of the contemporary Rating System's problems is generally covered a little less thoroughly by most authors who usually focus in their works on film censorship on the legal or local grassroots censorship efforts or the industry's prior self-regulation, such as was the Hays Code. The Rating System, on the other hand, is neither government-inflicted nor (at least theoretically) obligatory. It promises complete "artistic freedom," in which filmmakers may choose to portray whichever material they please, with only its audience being subsequently limited. The MPAA, indeed, portrays the System as "an essential guardian of Americans' freedom of artistic, creative and political expression," and boasts that "around the world, American movies are synonymous with America's freedom of expression" ("Ratings History"). In reality, however, the System works very much like the old Code in that films are generally produced with the desired rating in mind and edited afterwards in compliance with the Rating Board's review. Prior censorship thus still occurs, only in this case it is purely self-imposed. In the end, the Board's rulings have as much a significant influence on what Americans see in cinema nowadays as any of its predecessors. Due to this power, the System is also subjected to considerable criticism from the media, artists and film enthusiasts, who are dissatisfied with its applying double standards and being "unpredictable," "secretive," "inconsistent" and "out of touch with American mores" (Bowles). The CARA chairwoman, Joan Graves, has repeatedly rebuffed these attacks as mere publicity stunts "orchestrated by a film's producers or distributors as a clever marketing tactic." Yet, she claims to "welcome these debates" and to be open to alterations of the System with regards to "evolving societal values and, in particular, parental attitudes" (Graves, "MPAA Rating Chief"). Nevertheless, very little seems to have been done concerning the following important issues of the System.

4.1 NC-17

The MPAA has always stressed that the "rating system is a voluntary system, not mandated or sanctioned by law" ("Our Partners") and denied accusations of being a censoring body by insisting that the only purpose of the ratings is to serve as an "information system" (Cruz). However, the reality is more complicated. Films released without the MPAA rating – either because the received rating was found too harsh or it

was decided not to submit the film to the Board at all – are not only more susceptible to censorship; they are also vastly financially handicapped. They practically suffer the same fate as the NC-17-rated films which face a number of restrictions in the market-place that Lewis lists:

X- and NC-17-rated films are difficult to distribute and advertise and in some markets virtually impossible to exhibit. Many theatre circuits do not book X- and NC-17-rated films as a matter of policy. ... Multiplexes in malls are often prohibited by their lease agreement from screening films released without an MPAA seal. Blockbuster Video, by far the largest video rental outfit in the country, and discount houses like Kmart won't handle such films either. None of the major premium North American cable channels – HBO, Showtime, the Movie Channel, and Cinemax – screen (uncut) X- or NC-17-rated films. And some huge foreign markets – almost the entire Asian continent, for example – prohibit the screening of X- and NC-17-rated American films. (287)

As a result, NC-17 and unrated movies hardly ever earn enough to be truly profitable for its producers and distributors. According to Bowles, “the average NC-17 film takes in less than \$4 million,” and “the average unrated film [then] ... less than \$1 million.” Only small independent projects without great financial ambitions can afford to risk the unrated distribution, which they still possibly prefer to the hated MPAA highest rating. As for the major studios, they are so focused on the “payoff in a multitude of parallel markets here and abroad: theatrical exhibition, video/laserdisc/DVD rental and sale, pay-per-view, premium cable, and network TV” that they “routinely require the delivery of an MPAA-approved [non-NC-17] product in their contracts” (Lewis 287, 284). NC-17 is not only discredited as low-value ‘pornography,’ but is also regarded as a box-office-failure-guarantee. Owing to that, filmmakers are often made to edit their movie to get an R rating. Moreover, with summer blockbusters or basically any films with significant studio investment, the PG-13 rating is usually desired, because it provides conditions for the maximum potential profit. Since the PG-13 only serves as the highest possible warning to parents and does not restrict the audience, the differences in box office grosses between

PG-13-rated and R-rated films are in hundreds of millions¹⁴. On top of that, the studios can cash in on these limitations when they release the MPAA-objected material on the ‘Uncut’/‘Director’s Cut’/‘Special Edition Cut’/‘Ultimate Cut’/‘Collector’s Cut’ of the DVD or Blue-Ray. This enables them to release pretty much the same material multiple times, as Jon Lewis notices (297). The logical result of the habit of “editing ‘adult films’ down to commercially more attractive levels of PG-13 and R,” as Jan Rudovský concludes, is that “children are far more likely to view material that is not suitable for them” – it is still there in the edited version, only it may be portrayed a little more subtly (67). Mark Harris agrees with him in his highly critical look on the NC-17 rating for *Entertainment Weekly*, in which he points out that many people may misinterpret the rating and believe that “R-rated movies like *Hostel: Part II* are okay for kids because if they weren’t, somebody would have rated them NC-17.”

4.2 Violence v. Sexuality (and Language)

The debate on whether the Rating Board is more lenient when judging violence than with depictions of nudity and sex is possibly the most popular and attention-grabbing one. While on one hand it is certainly true that we may be more aware of the sex-related NC-17 cases because, as Joan Graves often mentions in her interviews, the inherent notoriety is often exploited by the filmmakers to promote the film. On the other hand, the fact that this issue is the one that appears to be completely ignored by the MPAA should raise some concerns. The reason for such a mild response to criticism is most probably what Graves points out herself – “parents do not complain about violence,” they complain “about sexuality or language, and very little about violence” (Bowles). When asked about the topic in a *Time* magazine interview, the then-MPAA CEO Dan Glickman mused that the “American culture is one that historically has been more tolerant of violence than sexuality in entertainment”. Graves added more socio-geographic insights by saying that “different elements are more important in different regions.” She further elaborated this thought by saying that “violence is an issue on the coasts” – the reason for

¹⁴ According to *Boxoffice Mojo.com*, the most financially successful R-rated feature, *The Passion of Christ*, would only barely make it to the top 10 of highest grossing PG-13 films, and its runner-up, *The Matrix Reloaded*, would not even make the PG-13 top 20 (“Top Grossing R Rated Movies at the Box Office,” “Top Grossing PG-13 Rated Movies at the Box Office”). *The Passion of Christ* made over \$370 million domestically and over \$600 million worldwide, while the PG-13 no. 1, *Avatar*, earned \$760 million and \$2,782 million, respectively (“The Passion of Christ,” “Avatar”).

which being the higher crime rate in “urban areas.” On the other hand, “in the south,” she continued, “they care much more about language. And the first thing they're concerned about in the Midwest is sexuality”. Besides that, Graves repeatedly stated another reason for this alleged dichotomy in rating. Even though CARA gives “far more initial ‘NC-17’s for violence than ... for sex,” such films end up getting an R because they cut the problematic material without complaining or trying to bring media attention to it (Cruz).

Another problem with this supposed double standard is rooted in the premise of the System itself. To simplify, CARA assigns the ratings according to the amount of violence, sexuality and language in a given movie. Consequently, these problematic factors may be classified to five levels that correspond with the ratings. The argument is whether it is right to consider, say, R-level sexuality in a movie as disturbing and damaging to a child’s psyche as R-level violence. This issue is most evident when demonstrated by comparing some actually R-rated movies. For example, according to the MPAA, Sofia Coppola’s melancholic drama *Lost in Translation*, which was rated R for “some sexual content” - most likely the scene where the two main characters briefly end up in a strip club, and *The Human Centipede*, the plot of which revolves around three people surgically attached to each other mouth-to-anus by a mad scientist and earned the movie an R for “disturbing sadistic horror violence, nudity and language,”¹⁵ are supposed to be both equally (un)suitable for viewers. While the MPAA seems to restrict sexuality rigorously, it appears to be far more willing to find excuses for extensive images of violence. “‘Cartoonish’ violence,” is rated less severely because it is unrealistic and therefore it is easy for the viewer to distinguish between fiction and reality (“FAQ”). On the same basis, violence is regularly modified by the film’s genre in the rating Descriptor, i.e. there is ‘fantasy violence,’ ‘western violence,’ or ‘horror violence.’ However, the System completely ignores the fact that despite the scenarios in such movies are understandably implausible, the portrayals of violence are often frighteningly naturalistic – at least as far as horror films are concerned. Movie sex scenes are also highly unrealistic, but it is never used to its advantage by the Rating Board – there is no ‘rom-com sensuality,’ for example.

¹⁵ The rating reasons are all retrieved from *Filmratings.com*.

I perceive similar problems with the language issue. The strict rule that distinguishes PG-13-rated content from R, vulgarly known as ‘one ‘fuck’ per movie,’ has puzzled many Rating System critics. Again, the idea that strong profanity is as damaging as strong violence is questionable. One may also wonder why three instances of the same word – in the same context - are deemed more inappropriate than just one. The argument seems valid when contrasting a single expletive with a series of vulgarisms throughout the film, but is, for instance, a single scene of an English king George VI (of all people) swearing as method to overcome his speech defect in *The King’s Speech* a reason compelling enough to grant it an R¹⁶? Does the slightly edited version really make a difference? The context is still the same and the use of the language could not be less offending in any instance, in my opinion. The MPAA may argue that the R rating still makes it possible for parents to take their children to see the films if they do not find the language strong enough reason not to, but I believe that movies such as *Inside I’m Dancing* (2004), *Welcome to the Dollhouse* (1995), or *Billy Elliot* (2000) – all R-rated for language alone – are perfectly appropriate for all children 11-years-old and older to whom they should be freely accessible without any guardianship. Overall, it just seems wrong and against common sense that such films are included in the same group with the torture-porn that are the *Hostel* and *Saw* series. CARA, through Joan Graves, counters that Board simply has to overlook the general impression and rate the movies simply by “the level of content in a film.” If they were to decide whether the overall theme compensates the problematic content, they would be making “qualitative judgements” of films – telling people whether they are good or bad (“MPAA Rating Chief”). However, they do seem to make exceptions sometimes, particularly when the MPAA’s own products are concerned.

To learn whether or not the CARA Board is biased against sexuality in film, I used the list of 107 most successful films of 2010 and 2011 that I had composed for chapter 5.5 (see: Appendix). Eventually, I found out that in general, actually, more films on the list were rated for violence than for sexuality, though the most often cited issue was language. For fourteen PG-rated films (70%) violence was cited as one of the factors that earned it its rating (out of which four were for violence alone) with the same numbers applying to language as well. Without seeing *Percy Jackson & The Olympians*, I have assumed its

¹⁶ *The King’s Speech* was edited from R for “some language” to PG-13 for, oddly, just “language” (see: note 15).

“suggestive material” should probably go under the ‘sex bracket,’ which makes it the only PG motion picture with any rated sexuality. Out of forty-nine PG-13-rated movies, thirty-six (73%) were rated for violence with four getting a PG-13 for violence only. Thirty-two films (65%) earned its rating with language (two for language alone), and twenty-five (51%) did for sexuality with only one being rated for sexuality (and nudity) only. Finally, twenty-two films (cca 58%) were rated R for violence, as they were for sexuality (cca 58%). The most common problem of R-rated films is language, though, which was listed in thirty-four Rating Descriptors (89%), out of which in five instances it was the only reason for the rating. In total, then, seventy-two films (67%) of my list were rated for violence, eighty (cca 75%) for language, and forty-eight (45%) for sexuality. My results mostly correspond with a much more extensive study authored by Kimberly M. Thompson, ScD and Fumie Yokota, PhD. Their project concerns “all movies released between January 1, 1992 and December 31, 2003.” The two scientists too arrived to the conclusion that violence is named in the Rating Descriptor list more often than sexuality and that “profanity dominates for R-rated films.” Their statistic showed 57% of films being rated for sexuality, 57% for violence and 77% for language. Deducing from these results, does it mean that the Rating Board is, in fact, less severe on sexuality than its critics think, or is there simply less (graphic) sexuality in films than there is violence? Even though I do not feel I have the authority to argue for any of these options, I am inclined to rather believe the latter and I remain convinced that the intensity and graphic nature of violence in a movie that can get away with an R greatly exceed those of sexuality/nudity.

4.3 Studios v. Indie

The notion, that studio pictures are judged less harshly, remains, naturally, quite speculative. To make some sort of statistics to illustrate the issue, one would have to review a large amount of pictures and even with that the argument would not prove much, as CARA claims to view each films on its own, not in “comparison to other films” (“MPAA Rating Chief”). The MPAA-produced movies, however, sometimes seem to be treated more benevolently. As an example, I would offer James Cameron’s 1997 box office hit, *Titanic*. It is rated PG-13 for “disaster related peril and violence, nudity, sensuality and brief language.” The ‘nudity,’ I assume, refers to the famous scene where the male lead draws a picture of the main female protagonist in nude. Now, the 2003 British import, indie-produced *I Capture the Castle*, is R-rated for one reason only - “brief nudity.”

The Brit flick shows a woman who enjoys taking her clothes off when she is alone in nature. There are two instances of this happening, but each time the scene is much shorter than Cameron's lingering shots of Kate Winslet's naked body and the scenes have unquestionably less sexual undertones.

According to Lewis, the very nature of the Rating System influences this alleged unjust treatment of the independent filmmakers. Under Valenti's rule, the raters were supposed to "consider each film on its own merits and to view identical content as different in different (sorts of) films". The Board would then, somewhat understandably, show more leniency toward "more ambitious, better-produced, better-looking studio films". What possibly differentiates artistic adult films from porn or serious films from the exploitation ones in the raters' minds is high-value production. Independent cinema, which rarely has the same means as the big studios available, is thusly often discriminated, because it simply seems 'cheap' (149-150).

Furthermore, Kirby Dick's critical documentary look at the MPAA called *This Film Is Not Yet Rated* accuses the Rating Board of showing the member studios preferential treatment. Dick interviews another well-known MPAA critic, Matt Stone, one half of the brainchild behind the controversial hit series *South Park*. Stone recollects his different experiences with the Board. First, as the author of the indie movie *Orgazmo*, he was denied any specific information concerning what to cut to get a lesser rating. This is the approach the MPAA claims to employ with every filmmaker. However, later Stone would meet with different attitude:

Cut to five years later, we're doing the *South Park* movie and we're working for Paramount, big studio, and we turned in the first cut of the movie and we get a phone call and, 'You got an NC-17. Well, you need to cut out this, this; change this to this, this, this...' and it was *extremely* specific: *this* word, *this* line, *this* joke. So, our treatment was...was a completely different experience.

4.4 Secrecy and Transparency

Very little is known about how the Rating Board exactly operates, or who they even are. Many people assume that the reason why it has never clearly explained the rating rules

– what is the decisive argument between PG-13 and R, etc. – because CARA tries to avoid being accused of censoring movies, like the Code was (Smith). What we do know, is that the Board is comprised of parents of children under the age of 18, who have “no specific training in film or child psychology.” In CARA’s view, the “child-raising experience” gives them enough qualification to speak for American parents. Scott Bowles contrasts this idea with Kirby Dick’s. Dick attacked the Board’s secrecy in his document and is quoted by Bowles as saying that: “We don’t ask judges to be average Joes. They have training. And why can’t you be childless? ... It hardly seems like an effort to be objective.”

In the aftermath of Dick’s accusations (in 2007), CARA promised to make the “identities of the Chairperson of CARA and of the Senior Raters” publicly available, which it again confirmed in the 2010 Rating Rules guide (“Classification and Rating Rules” 2). In 2010, the CARA’s website, *Filmratings.com*, was massively updated with former MPAA CEO Dan Glickman promising it “will provide some added transparency, shining a light on how the process works” (Fleming). As far as I know, the names of these Board members are still not available at the website. Graves then outright refuses to publicize the regular raters’ identities, because they would be “pressured by the studios, by activist groups, by anything or anyone” (Cruz). To that argument Kirby Dick once again counters that “anonymity permits the board to act without accountability,” and reminds us that “City officials, school board officials, they make important decisions and their identities are known” (Bowles).

4.5 Descriptors are not Clear

According to the MPAA, the ratings work as a “useful and valued tool for parents” (“Ratings History”) by offering them “clear, concise ... relevant information” (“Film Ratings”). This may appear to be true, if one looks up one rating at a time, but this notion quickly shatters when one collects a wider range of given ratings and tries to somehow classify the Rating Descriptors in order to track some logical system in its application. The jargon that the Board uses is highly inconsistent, often vague or misleading. Inspired by Laremy Legel’s amusing article “What’s Wrong With the MPAA?” at *Film.com*, I have composed a list of 107 most commercially and/or critically successful films of 2010 and 2011 (see: Appendix). I eventually came to the same conclusions as both Legel and Shep Ramsey in his own entertaining piece on the ratings called “The MPAA’s Greatest Hits.”

First of all, I agree with Legel that the Rating Board employs many terms the concept of which varies from person to person, so that without further explanation they possess hardly any informative function, such as ‘peril,’ ‘mischief,’ or ‘menace.’ Sometimes, the Board also apparently cannot come up with anything more concrete than ‘thematic material’ (or ‘thematic elements’), which may denote practically anything. On the other hand, and Ramsey also notices this, other times the Descriptors are oddly specific, such as ‘a smoking caterpillar’ for *Alice in Wonderland*, ‘male rear nudity’ (several films), or ‘teen partying’ for *The Roommate*, and sometimes border on spoilers – a ‘beating’ in *Blue Valentine*, for instance.

A problem that particularly bothers me is the general inconsistency of the phrasing of these Descriptors. Just in the PG-13 spectrum alone, one can find movies that portray ‘sequences of violent action,’ ‘sequences of action violence,’ ‘sequences of violence and action,’ ‘sequences of intense action violence,’ ‘intense sequences of violence and action,’ ‘intense sequences of action violence,’ ‘intense sequences of action and violence.’ The only phrase that is missing from that paradigm is probably ‘sequences of action violence intensity.’ What I cannot understand is why these phrasings are not standardized (except that maybe each rater wants his own trademark ‘action violence sequence’ quote). It can easily be argued that I am over-analyzing it, but since there are no clear rules about the ratings, parents can only form their opinions of what a PG-13 or an R rating means through “considering, comparing, and contrasting [given] ratings” (Smith).

Most importantly, the Board uses certain terms to describe the problematic material in different ratings. But it is never explained what these terms precisely mean. For example, ‘rude humour’ is always PG-rated, but ‘crude humour’ gets a PG-13. What exactly is the difference? Neither I nor Legel seem to grasp exactly what distinguishes ‘sensuality’ from ‘sexuality.’ This concept is also all the more puzzling, considering that both nouns somehow denotes something different than ‘sexual content.’ You can also either have ‘disturbing images’ or ‘frightening images.’ The appearance of drugs guarantees a film a PG-13 rating, be it ‘drug reference,’ ‘drug material,’ ‘drug content,’ or ‘drug use.’ Is there a difference between ‘content’ and ‘material’? Does it mean that the drugs are neither taken (that would be ‘drug use’), or talked about (that would be covered by ‘drug reference’)? Parents may also be offended by some ‘sexual references’ or ‘suggestive references’ (are there any suggestive references that are not sexual?) that might

turn into ‘suggestive comments.’ Violence, language, nudity and sexuality all also often get pre-modified by words such as ‘brief,’ ‘mild’ and ‘some.’ How much is ‘some’ evidently depends on how you pronounce it – most often it is just ‘language’ than gets a film a PG-13 or R, but as seen with *The King’s Speech*, ‘some language’ is sometimes more than simply ‘language.’ I do not believe many people look up movie ratings with a synonymic dictionary at hand, so it would be highly practical if CARA offered *some* explanation to shed some light on these terms.

CONCLUSION

Despite the ongoing criticism, the MPAA and CARA administrations seem to do very little to appease their opponents. In 2007, they faced the most focused and determined of the recent attacks in the form of Kirby Dick's *This Film Is Not Yet Rated* documentary. In the wake of the media attention the film attracted, the MPAA and CARA's representatives boasted of the upcoming changes in the System that were in the process. However, none of these have exactly lived up to the expectations, in my opinion. Dick's biggest achievement was, perhaps, in uncovering the identities of the board members. As a result, CARA agreed to let the senior raters' names be known to public and offer some information on the other raters as well (Halbfinger). CARA's website, *Filmratings.com*, does not, to my knowledge, carry any such information, even though it reassures the public that the names are indeed public "in order to increase transparency in the system" ("Voluntary Movie Rating System"). As another concession to the critics, it is now possible for the filmmakers to compare their material to the similar scenes in a lower rated film during their appeal defence. Nevertheless, whether this argument will be considered valid depends solely on the Appeals Board who is quite likely to denounce it as "unreliable" or "misleading," as I assume from the phrasing of this information in the CARA's "Classification and Rating Rules" (21). These "Rating Rules" have been previously available only on demand and are now free to be downloaded of the CARA's website (Halbfinger).

Yet, they too do not help people understand the Rating System as much as one would expect. The "Rating Rules" do, in fact, describe the individual steps of the actual rating process quite thoroughly, but they still do not explain the reasons behind these decisions or only use very vague terminology. For example, they talk about the ballots the raters fill in when they review the films. I do not understand why an example of this form is not made public. As it stands, the "Rating Rules" are about as informative as a very detailed account of a court hearing procedure when one is denied the knowledge of the law that is practised there. Thus, I would agree with Kirby Dick that these promised modifications of the System are just "cosmetic changes" (Halbfinger). It appears that the MPAA and CARA only made those in order for a better PR image when under pressure of public criticism and remain disinterested in genuinely making the System more effective and useful.

The problems of the stigmatized NC-17 rating, which might need to be addressed the most, are generally glossed over by the MPAA and CARA officials. Even though they claim that the rehabilitation of the rating is a part of their plan, as, for example, in the Scott Bowles' 2007 *USA Today* article "Debating the MPAA's Mission," they manage merely to convincingly remind the audience that the NC-17 is truly a "legitimate rating," not porn. There is an evident lack of inclination to really start a campaign to reinstate the rating. Rather than that, both organizations passively wait for the one brave filmmaker who would successfully storm the theatres with an NC-17-rated film and break the barriers (Cruz). On the other hand, some filmmakers and film critics show more initiative and resolution to solve the situation.

The idea that gets reintroduced the most often is that of a completely new rating, called either 'A' or 'AO', which would be used for 'adults only' non-pornographic films. Such a notion appeared already during the last days of the Production Code when *The Moon Is Blue* director Otto Preminger condemned the old system for inhibiting the production of MPAA-approved adult films, as Jon Lewis mentions (108). The less-restricted Film Rating System then seemed to be the answer to such calls. A golden age of daring mature-themed films had never fully blossomed, though, as the X rating was quickly seized by pornography producers and consequently became associated with cheap entertainment. In 1970, director Robert Aldrich publicly voiced his frustration with the limitations of the X rating and called for a new rating for "adults-only and ... serious dramatic work." Lewis notes that while the members of NATO welcomed the prospect of an AO rating, the MPAA president, Jack Valenti, rejected it (165-166). His opinion had not changed by the late 1990s, when the newly introduced NC-17 rating swiftly followed its predecessor's course and the A rating won another supporter in possibly the most renowned film critic, Roger Ebert. Valenti was quoted in a 1999 *Entertainment Weekly* article as arguing that by adopting this rating the raters would have to "make qualitative judgements" when using "the A rating ... for 'quality'" and "the NC-17 ... for 'sub-quality.'" He feared that "the producer of an NC-17 film [would] sue [the MPAA] for damages" (Essex qtd. in Lewis 188). Ebert keeps on promoting the A rating as a step between "the R and the NC-17" – possibly to avoid the A emulating the X and NC-17's fates (Sylvester). Whether his wish is realistic is questionable. The first A-rated film would face certain notoriety which it may or may not utilise, depending on its overall commercial

appeal, the power of the morality crusaders at the time and the promotional work on the new rating by the MPAA.

On top of the A rating advocates, there is also a number of critics who would want to revise the whole rating scale. For instance, in his anti-MPAA rant, movie reviewer TC Candler proposes a series of abbreviations that would describe whether the film was rated for violence or for nudity (he does not address profanity), i.e. ‘MN’ for Mild Nudity, ‘GV’ for Graphic Violence, etc. This approach is similar to the *Kids-in-Mind* website which informs parents about the violence, sex, and language in movies via a scale that measures each from 0 to 10 (*Kids-in-mind.com*). Both systems solve the discrepancy between sexuality and violence the CARA’s Rating Board is guilty of while at the same time enabling the parents to decide about the suitability of the movies based on their attitude towards the separate factors¹⁷. From another point of view, Professor Barbara J. Wilson, who studies media’s influence on children, takes an issue with the MPAA’s “age divisions,” which she finds too “broad.” She would prefer a system with “at least two categories, roughly three to seven and eight to twelve,” and a “separate category for adolescents.” Thus, the System would correspond with children’s development, in her opinion – at least more so than the MPAA’s G, PG and PG-13 that vaguely differ only in the intensity of their “caution” to parents. I, personally, would like to see an introduction of something like a PG-11 rating, that would actually be between the PG-13 and the R, as it would only allow in children 11-years and older, but without any accompanying guardian. I also consider it a good idea to adopt a practice of automatically assigning a movie which links sex and violence the R or NC-17 rating (depending on the intensity and naturalism of the violence) as that is, in my opinion, particularly disturbing and should therefore be always reserved for mature audiences.

While the Rating System has had some vocal opponents, it seemingly has not altered its practices to any noticeable degree throughout the years. The reason for that is simply the fact that nothing has happened yet, that would force them to do it. Most filmmakers are willing to rather abide by the MPAA-enforced self-censorship than face the possibility of local censorship (Bowles), and 80% of American parents apparently find

¹⁷ This feature is absent in the MPAA Rating System. The raters only list the reasons for the assigned rating, which does not help parents who, for example, do not mind R-level profanity, but may be offended by the PG-13-level violence that can be present in a movie that was rated R for language.

the System useful, per the CARA's statistics ("The Movie Rating System," 7). Still, the current Film Rating System hardly fulfils any of its premises. It does not serve as the "safeguard of artistic freedom" because filmmakers are forced, through the industry's inner working, to edit their work to fit a certain rating. It does not efficiently help parents in evaluating films as it offers very limited amount of information about movies and uses a very confusing language at that. It does not protect children – it allows more and more problematic material in non-restricted movies, it cannot be completely enforced in multiplexes, it does not even employ professionals who would actually know what is dangerous to children. The hesitance with which the MPAA and CARA avoid any progressive action illustrates the fact that the System's true purpose is to protect only one thing – the film industry itself. It does not matter if it is just, helpful and understandable, as long as there is a perceived notion that there is some integral management and self-regulation that calms down the crusaders, as well as a notion of self-control that "offers the illusion of certainty and security to studio executives" (Lewis 4).

Many authors on film censorship, most prominently Jon Lewis who repeats this thought several times in his *Hollywood v. Hard Core*, imply that throughout its history, film industry has used self-censorship as a self-preservation mechanism that enabled it to avert government intrusion and at the same time to control its public image. Both of which, naturally, are instruments to bigger and safer financial profits. When the Edison's Trust decided to cooperate with the National Board of Censorship in the early 20th century, they did so they could prevent other local boards from censoring their products and simultaneously attract wider audiences. However, the industry had yet not earned its safe position, and so legal cases and profit-damaging notoriety accumulated. Hollywood's second attempt at defeating both problems proved to be more successful with the Production Code. The way the Code imploded in the 1960s may demonstrate the only possible way the contemporary Rating System might collapse – when the demand for a product other than the system can offer overcomes it. The Rating System that has risen from the old Code's ashes, functions, much like its predecessor, primarily as a tool to create a product most likely to succeed in the marketplace. Unlike the Code, though, the age-based classifications allowed the Hollywood studios to better "target audiences," to use Jon Lewis's terminology. G-rated movies are for children, PG-13s are for teenagers, R-rated features are for college students and young adults. Nevertheless, the System, as Jack Valenti had probably intended to, does not really limit the numbers of viewers as much as

one would think. Out of the five ratings, only two enforce some restrictions, and out of those two, one (NC-17) practically never gets used, while the other (R) is available to anyone who can convince some sort of a guardian to go with him/her to the cinema – which also works to enlarge the number of ticket-payers. With the forsaken NC-17, the MPAA is, in fact, forcing its members to produce only such films that can make the most profits.

As a final note, I would like to mention that there seems to be a reciprocal relationship between the Rating System and the American society as far as the influence of one over the other is concerned, in which I cannot determine the dominant member. Even though the Rating Board is guilty of implying various double standards in its film reviews, in my opinion, these were not entirely manufactured by the MPAA member corporations, or came out of nowhere to the raters. Noel Murray and Scott Tobias touch on this subject in their discussion about the MPAA for the A.V. Club. Murray certainly has a point when he states that the ratings merely reflect general public attitudes toward violence and sexuality in the US. Despite that, I am more inclined to agree with Tobias who says that by conforming to these conventions, the MPAA “validates” and reaffirms them. Instead of broadening its horizons, the American public is stuck in a vicious circle of the same conservatism, prudery, and glorification of violence of which it is often accused by foreigners.

THE APPENDIX

The following three tables include in total 107 Ratings Descriptors. I have formed this list by combining four lists together: the highest grossing films of 2010 (“2010 Yearly Box Office”) and 2011 (“2011 Yearly Box Office”) according to *Box Office Mojo* with best rated movies on *Rotten Tomatoes* (“Top Movies”) – all of which were retrieved in April 2011. The film Descriptors were then retrieved from CARA’s website, *filmratings.com*. The main purpose of this list was to collect data necessary to demonstrate the inconsistencies and vagueness of the terminology the film raters use. In the end, I also employed the list to determine which of the three main factors that influence the rating – sex, language and violence – is the most dominant.

TABLE 1

Rated PG

Title/Descriptor		1	2	3	4	5
1	<i>Alice in Wonderland</i> , 2010 (Walt Disney Pictures) - “for fantasy action/violence involving scary images and situations, and for a smoking caterpillar.”	1			1	
2	<i>Despicable Me</i> , 2010 (Universal) - “for rude humor and mild action.”	1	1			
3	<i>Diary of a Wimpy Kid</i> , 2010 (Fox) - “for some rude humor and language.”		1			
4	<i>Diary of a Wimpy Kid 2: Rodrick Rules</i> , 2011 (Fox) - “for some mild rude humor and mischief.”		1			
5	<i>Hop</i> , 2011 (Universal) - “for some mild rude humor.”		1			
6	<i>How to Train Your Dragon</i> , 2010 (Paramount/DreamWorks) - “for sequences of intense action and some scary images, and brief mild language.”	1	1			
7	<i>Mars Needs Moms</i> , 2010 (Walt Disney Pictures) - “for sci-fi action and peril.”	1				
8	<i>Megamind</i> , 2010 (Paramount/DreamWorks) - “for action and some language.”	1	1			
9	<i>Percy Jackson & The Olympians: The Lightning Thief</i> , 2010 (Fox) - “for action violence and peril, some scary images and suggestive material, and mild language.”	1	1	1		
10	<i>Rango</i> , 2011 (Paramount) - “for rude humor, language, action and smoking.”	1	1		1	
11	<i>Shrek Forever After</i> , 2010 (Paramount/DreamWorks) - “for mild action, some rude humor and brief language.”	1	1			
12	<i>Tangled</i> , 2010 (Walt Disney Studios) - “for brief mild violence.”	1				
13	<i>The Chronicles of Narnia: The Voyage of the Dawn Treader</i> , 2010 (Fox) - “for some frightening images and sequences of fantasy action.”	1				
14	<i>The Illusionist</i> , 2010 (Sony) - “for thematic elements and smoking.”				1	1
15	<i>The Karate Kid</i> , 2010 (Columbia Pictures) - “for bullying, martial arts action violence and some mild language.”	1	1			
16	<i>The Last Airbender</i> , 2010 (Paramount) - “for fantasy action violence.”	1				
17	<i>The Sorcerer's Apprentice</i> , 2010 (Walt Disney Studios) - “for fantasy action violence, some mild rude humor and brief language.”	1	1			
18	<i>Tron: Legacy</i> , 2010 (Walt Disney Studios) - “for sequences of sci-fi action violence and brief mild language.”	1	1			
19	<i>Waiting for Superman</i> , 2010 (Paramount Vantage) - “for some thematic material, mild language and incidental smoking.”		1		1	1
20	<i>Yogi Bear</i> , 2010 (Warner Bros.) - “for some mild rude humor.”		1			
Sum		14	14	1	4	2

1 = Violence/Action
2 = Language/Humour
3 = Suggestive Material

4 = Smoking
5 = Thematic Material

TABLE 2

Rated PG-13

Title/Descriptor		1	2	3	4	5	6
1	Another Year , 2010 (Sony) - “for some language.”		1				
2	Battle: Los Angeles , 2011 (Columbia Pictures) - “for sustained and intense sequences of war violence and destruction, and for language.”	1	1				
3	Beastly , 2011 (CBS Films) - “for language including crude comments, brief violence and some thematic material.”	1	1				1
4	Big Mommas: Like Father, Like Son , 2010 (Fox) - “for some sexual humor and brief violence.”	1	1				
5	Clash of the Titans , 2010 (Warner Bros.) - “for fantasy action violence, some frightening images and brief sensuality.”	1		1			
6	Date Night , 2010 (Fox) - “for sexual and crude content throughout, language, some violence and a drug reference.”	1	1	1		1	
7	Dear John (Screen Gems) - “for some sensuality and violence.”	1		1			
8	Dinner for Schmucks , 2010 (Paramount Pictures Corporation) - “for some sequences of crude and sexual content, some partial nudity and language.”		1	1			
9	Easy A , 2010 (Screen Gems) - “for mature thematic elements involving teen sexuality, language and some drug material.”		1	1		1	1
10	Eat Pray Love , 2010 (Columbia Pictures) (appeal, previously R) - “for brief strong language, some sexual references and male rear nudity.”		1	1			
11	Get Low , 2009 (Sony) - “for some thematic material and brief violent content.”	1					1
12	Grown Ups , 2010 (Columbia Pictures) - “for crude material including suggestive references, language and some male rear nudity.”		1	1			
13	Harry Potter and the Deathly Hallows: Part 1 , 2010 (Warner Bros.) - “for some sequences of intense action violence, frightening images and brief sensuality.”	1		1			
14	I Am Number Four , 2010 (Walt Disney Studios) - “for intense sequences of violence and action, and for brief language.”	1	1				
15	Inception , 2010 (Warner Bros.) - “for sequences of violence and action throughout.”	1					
16	Inside Job , 2010 (Sony) - “for some drug and sex-related material.”			1		1	
17	Insidious , 2011 (FD) - “for thematic material, violence, terror and frightening images, and brief strong language.”	1	1				1
18	Iron Man 2 , 2010 (Paramount) - “for sequences of intense sci-fi action and violence, and some language.”	1	1				
19	Just Go With It , 2011 (Columbia Pictures) - “for frequent crude and sexual content, partial nudity, brief drug references and language.”		1	1		1	
20	Knight & Day , 2010 (Fox) - “for sequences of action violence throughout, and brief strong language.”	1	1				
21	Limitless , 2011 (Relativity Media) - “thematic material involving a drug, violence including disturbing images, sexuality and language.”	1	1	1		1	1
22	Little Fockers , 2010 (Universal) - “for mature sexual humor throughout, language and some drug content.”		1			1	
23	Prince of Persia: The Sands of Time , 2009 (Walt Disney Studios) - “for intense sequences of violence and action.”	1					
24	Rabbit Hole , 2010 (Lionsgate) - “for mature thematic material, some drug use and language.”		1			1	1
25	Red , 2010 (Summit) - “for intense sequences of action violence and brief strong language.”	1	1				

26	Red Riding Hood, 2011 (Warner Bros.) - “for violence and creature terror, and some sensuality.”	1	1			
27	Robin Hood, 2010 (Universal) - “for violence including intense sequences of warfare, and some sexual content.”	1	1			
28	Salt, 2010 (Columbia Pictures) - “for intense sequences of violence and action.”	1				
29	Season of the Witch, 2010 (Relativity Media) - “for thematic elements, violence and disturbing content.”	1				1
30	Source Code, 2010 (Summit) - “for some violence including disturbing images, and for language.”	1	1			
31	Sucker Punch, 2011 (Warner Bros.) - “for thematic material involving sexuality, violence and combat sequences, and for language.”	1	1	1		1
32	The A-Team, 2010 (Fox) - “for intense sequences of action and violence throughout, language and smoking.”	1	1		1	
33	The Adjustment Bureau, 2010 (Universal) - “for brief strong language, some sexuality and a violent image.”	1	1	1		
34	The Bounty Hunter, 2010 (Columbia Pictures) - “for sexual content including suggestive comments, language and some violence.”	1	1	1		
35	The Dilemma, 2010 (Universal) - “for mature thematic elements involving sexual content.”				1	1
36	The Eagle, 2010 (Focus Features) - “for battle sequences and some disturbing images.”	1				
37	The Ghost Writer, 2010 (Summit) - “for language, brief nudity/sexuality, some violence and a drug reference.”	1	1	1		1
38	The Green Hornet, 2010 (Columbia Pictures) - “for sequences of violent action, language, sensuality and drug content.”	1	1	1		1
39	The King’s Speech, 2011 (Weinstein company) (edited version) - “for language.”			1		
40	The Other Guys, 2010 (Columbia Pictures) - “for crude and sexual content, language, violence and some drug material.”	1	1	1		1
41	The Rite, 2011 (New Line Cinema) - “for disturbing thematic material, violence, frightening images, and language including sexual references.”	1	1			1
42	The Roommate, 2010 (Screen Gems) - “for violence and menace, sexual content, some language and teen partying.”	1	1	1		1
43	The Social Network, 2010 (Columbia Pictures) - “for sexual content, drug and alcohol use and language.”			1	1	1
44	The Tourist, 2010 (Columbia Pictures) - “for violence and brief strong language.”	1	1			
45	The Twilight Saga: Eclipse, 2010 (Summit) - “for intense sequences of action and violence, and some sensuality.”	1		1		
46	True Grit, 2010 (Paramount Pictures Corp.) - “for some intense sequences of western violence including disturbing images.”	1				
47	Unknown, 2010 (Warner Bros.) - “for some intense sequences of violence and action, and brief sexual content.”	1		1		
48	Unstoppable, 2010 (Fox) - “for sequences of action and peril, and some language.”	1	1			
49	Valentine’s Day, 2010 (Warner Bros.) - “for some sexual material and brief partial nudity.”				1	

1 = Violence, Terror, Action

2 = Humour/Language

3 = Nudity, Sensuality, Sexuality, Sexual Content/Material

4 = Smoking

5 = Drugs, Alcohol, Teenage Partying

6 = Thematic Material

	Violence	Language	Sex	Smoking	Drugs	Them. Material
Sum	36	32	25	1	12	10

TABLE 3 – Rated R

	Title/Descriptor	1	2	3	4	5
1	127 Hours , 2010 (Fox) - “for language and some disturbing violent content/bloody images.”	1	1			
2	A Single Man , 2009 (Weinstein Company) - “for some disturbing images and nudity/sexual content.”	1		1		
3	Animal Kingdom , 2010 (Sony) - “for violence, drug content and pervasive language.”	1	1		1	
4	Black Swan , 2010 (Fox) - “for strong sexual content, disturbing violent images, language and some drug use.”	1	1	1	1	
5	Blue Valentine , 2010 (Weinstein Company) (Appeal, previously NC-17) - “for strong graphic sexual content, language, and a beating.”	1	1	1		
6	Buried , 2010 (Lionsgate) - “for language and some violent content.”	1	1			
7	Casino Jack And The United States Of Money , 2010 (Magnolia Pictures) - “for some language.”		1			
8	Client 9: The Rise and Fall of Eliot Spitzer , 2010 (Magnolia Pictures) - “for some sexual material, nudity and language.”		1	1		
9	Due Date , 2010 (Warner Bros.) - “for language, drug use and sexual content.”		1	1	1	
10	Exit Through The Gift Shop , 2010 (Producers Distribution Agency LLC) - “for some language.”		1			
11	Hall Pass , 2011 (New Line Cinema) - “for crude and sexual humor throughout, language, some graphic nudity and drug use.”		1	1	1	
12	Ip Man 2: Legend of the Grandmaster , 2010 (Variance Films) - “for violence.”	1				
13	Jackass 3-D , 2010 (Paramount) - “for male nudity, extremely crude and dangerous stunts throughout, and for language.”	1	1	1		
14	Joan Rivers: A Piece Of Work , 2010 (IFC Films) - “for language and sexual humor.”		1			
15	Lebanon, Pa. , 2011 (Truly Indie) - “for thematic material and some sexual content.”			1		1
16	Let Me In , 2010 (Overture Films) - “for strong bloody horror violence, language and a brief sexual situation.”	1	1	1		
17	Mesrine: Part 1 (Killer Instinct) , 2010 (Music Box Films) - “for strong brutal violence, some sexual content and language.”	1	1	1		
18	Mesrine: Part 2 (Public Enemy #1) , 2010 (Music Box Films) - “for bloody brutal violence, a scene of sexuality, nudity and pervasive language.”	1	1	1		
19	No Strings Attached , 2010 (Paramount) - “for sexual content, language and some drug material.”		1	1	1	
20	Of Gods and Men , 2011 (Sony) - “for a momentary scene of startling wartime violence, some disturbing images and brief language.”	1	1			
21	Paranormal Activity 2 , 2010 (Paramount) - “for some language and brief violent material.”	1	1			
22	Paul , 2010 (Universal) - “for language including sexual references, and some drug use.”		1		1	
23	Please Give , 2009 (Sony) - “for language, some sexual content and nudity.”		1	1		
24	Potiche , 2011 (Music Box Films) - “for some sexuality.”			1		

25	<i>Rare Exports: A Christmas Tale</i>, 2010 (Oscilloscope Laboratories)	1	1		
	- “for some nudity and language.”				
26	<i>Restrepo</i> , 2010 (National Geographic Entertainment)	1			
	- “for language throughout including some descriptions of violence.”				
27	<i>Sanctum</i> , 2010 (Universal)	1	1		
	- “for language, some violence and disturbing images.”				
28	<i>Sex and the City 2</i> , 2010 (New Line)	1	1		
	- “for some strong sexual content and language.”				
29	<i>Shutter Island</i> , 2010 (Paramount)	1	1	1	
	- “for disturbing violent content, language and some nudity.”				
30	<i>The Book of Eli</i> , 2009 (Warner Bros.)	1	1		
	- “for some brutal violence and language.”				
31	<i>The Expendables</i> , 2010 (Lionsgate)	1	1		
	- “for strong action and bloody violence throughout, and for some language.”				
32	<i>The Fighter</i> , 2010 (Fighter, LLC)	1	1	1	1
	- “for language throughout, drug content, some violence and sexuality.”				
33	<i>The Kids Are All Right</i> , 2010 (Focus Features)	1	1	1	
	- “for strong sexual content, nudity, language and some teen drug and alcohol use.”				
34	<i>The Lincoln Lawyer</i> , 2011 (Lionsgate)	1	1	1	
	- “for some violence, sexual content and language.”				
35	<i>The Mechanic</i> , 2010 (CBS Films)	1	1	1	
	- “for strong brutal violence throughout, language, some sexual content and nudity.”				
36	<i>The Tillman Story</i> , 2010 (Weinstein Company) (Appeal)	1			
	- “for language.”				
37	<i>The Town</i> , 2010 (Warner Bros.)	1	1	1	1
	- “for strong violence, pervasive language, some sexuality and drug use.”				
38	<i>Winter’s Bone</i> , 2010 (Roadside Attractions)	1	1		1
	- “for some drug material, language and violent content.”				
	Sum	22	34	22	10 1

1 = Violence, Terror, Action

2 = Humour/Language

3 = Nudity, Sexuality, Sexual Content/Material

4 = Drugs, Alcohol

5 = Thematic Material

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SHRNUTÍ

Tématem této bakalářské práce je cenzura v americkém filmovém průmyslu, respektive sebe-cenzurní postupy používané v tomto průmyslu od počátku vývoje americké kinematografie, se zvláštním důrazem na současné problémy dnešního nejvýznamnějšího cenzurního orgánu – Americké filmové asociace (MPAA). Bakalářská práce je rozdělena do čtyř hlavních částí, z nichž první tři pojednávají o historii americké filmové cenzury a následném vývoji filmových ratingů a čtvrtá je pak věnována výhradně dnešním kontroverzím Americké filmové asociace a systému ratingů. První část popisuje filmovou cenzuru na počátku 20. století a osvětluje některé z důvodů, které vedly k zavedení nechvalně známého Produkčního kodexu. Druhá část je pak plně věnována tomuto kodexu a tudíž zachycuje období téměř třiceti let, kdy byl kodex v platnosti. Třetí část je zaměřena na období po roce 1968, ve kterém byl zaveden systém filmových ratingů. Sleduje vývoj tohoto systému a zároveň krátce zmiňuje některé faktory, které jeho vznik ovlivnily. Poslední část pak uvádí pět hlavních důvodů, pro které je ratingový systém v současnosti kritizován. V závěru pak práce nabízí náhled na možnosti tohoto systému v budoucnu.