

DUBLIN BUSINESS SCHOOL

CENSORED: THE RISE AND FALL OF THE PRODUCTION CODE

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1. Acknowledgements

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2. 1968: End of the Production Code



On 1 November 1968, the Motion Picture Association of America formally ended the thirty-four year Motion Picture Production Code, and, with a tentative consensus behind it, inaugurated the new MPAA rating system, in which the United States became the last major Western nation to have some sort of systematic age classification of motion pictures. Even at the risk of reducing their audiences, the boundaries of possible expression and content within Hollywood film were lifted substantially.

The intention of this dissertation is to trace the history of the Production Code and to account for its eventual decline and demise. In order to achieve this, the dissertation will firstly examine the period of American cinema in the first half of the 1930s, before the implementation of the Code. I feel this is necessary in order to understand the perceived need for the Code, not only to be implemented but also rigidly enforced.

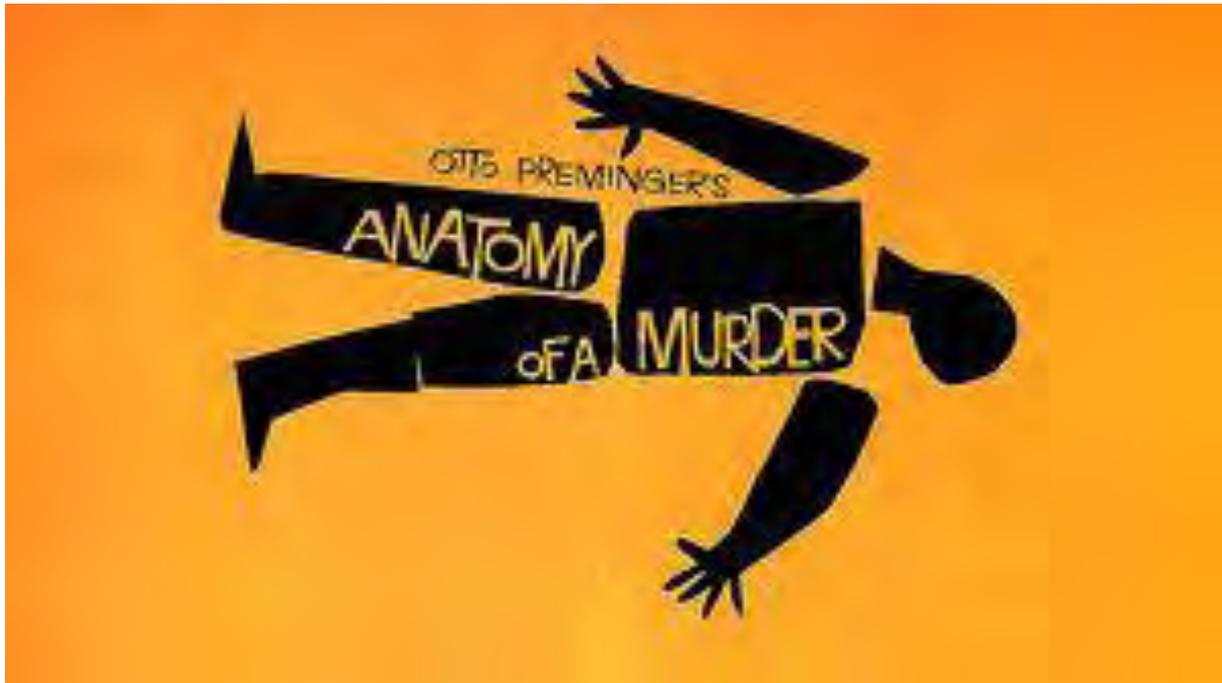
As Tino Balio asserts in his collection of essays, *The American Film Industry*, the studios had embraced this arrangement of self-regulation, quite reluctantly in the early 1930s. The industry was facing not only the possibility of federal and further state and local censorship, but also pressure from religious groups, and the threat of mass boycotts. Balio cites Richard S. Randall:

This triad of controls- industry self-regulation, organised religious pressure, and governmental censor boards-effected a censorial ability that lasted nearly a generation. The industry discovered it could live quite easily with these burdens because of the extraordinary profits from the ‘family’ film, the chief product of a censored medium addressing itself to an almost undifferentiated mass audience in the 1930s and 1940s.¹

Over the past decade and a half, the power and authority of the Production Code had weakened had diminished since its heyday. Aside from the more obvious reasons pertaining to the shifts and changes in American society throughout the 1960s pertaining to feminism, civil rights, sexual freedom and a more general sense of cultural and political liberalism, many other contributing factors had been percolating for a considerable period of time. The Production Code system had been creaking under a variety of strains. Its decline can be linked to that of the vertically integrated studio system, as the Production Code Administration was largely based on studio control of the entire process of distribution and exhibition. Since the early days of Hollywood, it has been controlled by a number of ‘vertically integrated’ studios, which essentially meant that studios not only produced films, but also distributed them and operated their own theatre chains. From the late 1920s to the early 1950s, the industry was dominated by the ‘Big Five’ vertically integrated studios: MGM, Warner Brothers, 20th Century Fox, Paramount Pictures and RKO. This was known as a ‘mature oligopoly.’ Three other smaller studios, Universal, Columbia and United Artists,

were known as the ‘Little Three’, and were also involved in production and distribution on a smaller scale than the Big Five, but did not own any theatres.²In 1948, the Hollywood Antitrust Case ruling on studios owning their own theatre chains meant that exhibitors could no longer be coerced into only screening films bearing the Code’s seal of approval, opening their theatres to non-approved films. This led to a number of films successfully defying the Code by studios releasing them without seals. Films which included Otto Preminger’s *The Moon Is Blue* (1953) and *The Man With The Golden Arm* (1955) contained forbidden subject matter but were picked up for exhibition by two major cinema chains. Both ended up being profitable, perhaps because of the controversy they ignited.

The power of the Code had been undermined in 1952, when the United States Supreme Court ruled on the case known officially as *Burstyn v. Wilson* and declared that motion pictures were a ‘significant medium for the communication of ideas,’ their importance not lessened by the fact that they are designed ‘to entertain as well as inform.’³ This decision had the effect of reading films into the First Amendment to the United States Constitution and extending to them the same protection held by other organs of free speech and expression. The only previous consideration of movie censorship, *Mutual Film Corporation v. Ohio* in 1915⁴, had found that movies were ‘not to be regarded as part of the press of the country or as organs of public opinion.’ This meant that films were to be considered simply a commercial product as opposed to a constitutionally protected medium of speech, and could thus be regulated through prior censorship and stopped before reaching consumers in the same fashion as dangerous drugs or chemicals might. This new decision presented new possibilities for the medium of cinema, while somewhat undercutting the original intent of the Code, being the implementation of self-regulation while preventing government-sanctioned censorship of the film industry.



In 1959, the release of the film *Anatomy of a Murder*, again directed by Otto Preminger, again challenged the authority of the Production Code, with its tackling of the subject of rape. Considerable publicity was given to the controversy over the film's heavy subject matter, which went on to become one of the biggest box office hits that year and win seven Academy Award nominations. It also set a precedent for the next decade, which saw the release of several more films that were in direct defiance of the restrictions of the Production Code. The same year, the film *Shadows* (John Cassavetes, 1959) was released, and is widely considered a watershed in the history of American independent cinema. It was shot with a 16mm handheld camera, and mostly improvised dialogue, featuring themes uncommon in American cinema to this point, such as alienation. It even features an interracial relationship, a subject still taboo in 1950s America. *The Connection* (1961), directed by the noted experimental filmmaker Shirley Clarke was released in 1961, and is a pivotal film in the history of film censorship. It was initially banned from screening by New York film censors, mainly on the

grounds of vulgar language. The word ‘shit’ is used several times, mostly as a slang term for heroin. The case was taken to the New York State Court Of Appeals, where it was ruled that the word’s usage could not be considered obscene. In 1964, the film *The Pawnbroker*, directed by Sidney Lumet, was released, and was one of the first American made films to feature nudity. The film’s producers had prepared to release it without the seal of approval from the PCA. However, after a last minute appeal to the MPAA, the film was granted an exception conditional on ‘reduction in the length of the scenes which the Production Code Administration found un-approvable.’⁵



One of the most significant threats to the PCA was the influx of foreign films being brought to the United States, ones that did address themes considered taboo by Hollywood standards. Several such films included the British made *Alfie* (Lewis Gilbert, 1966), which featured the subject of abortion, Ingmar Bergman’s *The Virgin Spring* (1960), which featured rape, and others such as *A Stranger Knocks* (Johan Jacobsen, 1959) and *491*(Vilgot Sjöman, 1964), the

latter of which features a homosexual rape scene and one of a woman about to have sexual intercourse with a dog. Since the Code governed production not distribution, there was nothing to these films from being shown in American theatres. In 1966, the film *Blowup* (Michaelangelo Antonioni) was released by MGM, without Code approval. The film became a smash hit, inspiring others to follow suit. The Code's standing was further weakened with the release of the film adaptation of the hit Broadway play *Who's Afraid of Virginia Woolf?*, and so finally, the MPAA made revisions to the Code, liberalising its standards, and empowering the code office to affix the "Suggested For Mature Audiences" label to certain films that would be judged not suitable for children.

By this point, virtually every major MPAA-governed studio had abandoned the Production Code, while the Supreme Court had begun to explore the possibility of 'variable' obscenity, meaning that a film which may not be obscene for adults may still be so for children below a certain age in its audience. This concept would pave the way for the commission of a full scale rating system.

To better understand the various reasons behind the decline and eventual abandonment of the Production Code, perhaps it is imperative that we know and understand the reasons for and the conditions of the Hollywood film industry at the time of its original creation.

3. 1920s Scandals and the ‘Don’ts and Be Carefuls’

Throughout the decade of the 1920s, the relatively infant Hollywood motion picture industry came under increasingly intense scrutiny from a sizeable section of the general public and, perhaps more importantly, the Catholic Church. This can be attributed to a number of important factors. Firstly, the years following World War I saw great social change in the United States, a loosening of moral bonds that was reflected in the movies. A significant and vocal minority of the public held the film industry responsible.



Roscoe ‘Fatty’ Arbuckle: Shortly after his arrest in 1921⁶

Additionally, the industry had experienced a series of high profile scandals around the beginning of the decade, the most infamous of which being the rape and manslaughter trial of the then highest paid film star in Hollywood, Roscoe ‘Fatty’ Arbuckle in 1921. Arbuckle was accused of raping a young actress named Virginia Rappe during a Labor Day party at the St. Francis Hotel in San Francisco.⁷ After she eventually died from internal injuries, he was charged with manslaughter. Although he was later acquitted after a trial, and received an

apology from the jurors, his reputation and career never recovered. The director William Desmond Taylor was murdered in his home, with rumours of his allegedly wild personal life being played out in the press. There was further controversy when it was found that he had been drinking alcohol, during the era of Prohibition. The drug related death of the popular actor Wallace Reid was another mark on the industry, especially when it was discovered that he had been addicted to morphine and spent time in a sanitarium as a consequence. These scandals resulted in a public outcry from various sections of society, and further added to the notion of Hollywood as a 'den of iniquity,' with tabloid publications asserting that behind the images manufactured by Hollywood's publicists lay a 'secret world of social unconventionality and moral turpitude.'⁸ Women's groups, religious organisations, youth movements and reform groups all protested against the industry's supposed lack of morals, and called for the censorship of films. Censorship bills were introduced in thirty seven states. Facing a growing backlash against the industry, possible further censorship legislation and financial disaster, in 1922, the studios formed a trade organisation known as the Motion Picture Producers and Distributors of America.⁹ This was an attempt by the industry to regulate itself and to pre-empt any attempts at regulation by the federal government. To give dignity and respectability to their industry, and to help rehabilitate Hollywood's image in the eyes of the American public, the company heads followed the lead of Major League Baseball and hired a 'czar' to preside over the MPPDA. They chose a man named Will Hays. Hays had been the chairman of the Republican National Committee, ran Warren G. Harding's



Will Hays

successful presidential campaign in 1920, and later served as Postmaster General in Harding's administration. His connections in Washington and impeccable credentials in legal and religious authority (he was a Presbyterian elder) made him the top choice for the job. At a salary of \$100,000 a year, Hays was handed the task of defusing the censorship movement. The MPPDA

soon became informally known as the 'Hays Office', and Hays himself was able to use his adeptness at public relations and power of persuasion to reassure the public. He would invite influential religious and civic leaders to meet with him and discuss how to best improve the film industry, and made efforts to improve the public image of Hollywood. Hays was able to convince these different groups to drop their calls for censorship and instead to join a Public Relations Committee, of which a representative was assigned to the Hays Office and paid a salary. He would have publicists eliminate any references to movie star luxuries or excesses which common people would consider 'immoral', e.g. expensive cars and champagne baths. Some prominent actors who had been known to be partygoers soon disappeared altogether. Several performers, such as Arbuckle, were blacklisted from the industry due to their 'scandalous' reputations. Some would try to adopt pseudonyms simply to find work. Certain women with dubious reputations were also never heard from again, and some romantic relationships between stars were publicised as marriages. His approach appeared to be working, as criticism of the film industry subsided for the rest of the decade, and in 1926, efforts for federal regulation of Hollywood were abandoned.

However, it was during this period that legislation in Washington was passed calling for stricter state censorship of films. In an effort to find ways in which to avoid having a film censored in one state but not another, he called upon the top studio executives to form a committee on the matter. This committee consisted of Irving G. Thalberg of Metro Goldwyn Mayer (MGM), Sol Wurtzel of Fox, and E.H. Allen of Paramount, who collaborated on a document entitled 'Don'ts and Be Carefuls' :

Resolved, that those things which are included in the following list shall not appear in pictures produced by the members of this Association, irrespective of the manner in which they are treated:

1. Pointed profanity – by either title or lip – this includes the words "God," "Lord," "Jesus," "Christ" (unless they be used reverently in connection with proper religious ceremonies), "hell," "damn," "Gawd," and every other profane and vulgar expression however it may be spelled;
2. Any licentious or suggestive nudity-in fact or in silhouette; and any lecherous or licentious notice thereof by other characters in the picture;
3. The illegal traffic in drugs;
4. Any inference of sex perversion;
5. White slavery;
6. Miscegenation (sex relationships between the white and black races);
7. Sex hygiene and venereal diseases;
8. Scenes of actual childbirth – in fact or in silhouette;
9. Children's sex organs;

10. Ridicule of the clergy;

11. Willful offense to any nation, race or creed;

And be it further resolved, that special care be exercised in the manner in which the following subjects are treated, to the end that vulgarity and suggestiveness may be eliminated and that good taste may be emphasized:

1. The use of the flag;
2. International relations (avoiding picturizing in an unfavorable light another country's religion, history, institutions, prominent people, and citizenry);
3. Arson;
4. The use of firearms;
5. Theft, robbery, safe-cracking, and dynamiting of trains, mines, buildings, etc. (having in mind the effect which a too-detailed description of these may have upon the moron);
6. Brutality and possible gruesomeness;
7. Technique of committing murder by whatever method;
8. Methods of smuggling;
9. Third-degree methods;
10. Actual hangings or electrocutions as legal punishment for crime;
11. Sympathy for criminals;
12. Attitude toward public characters and institutions;
13. Seditious;
14. Apparent cruelty to children and animals;
15. Branding of people or animals;

16. The sale of women, or of a woman selling her virtue;
17. Rape or attempted rape;
18. First-night scenes;
19. Man and woman in bed together;
20. Deliberate seduction of girls;
21. The institution of marriage;
22. Surgical operations;
23. The use of drugs;
24. Titles or scenes having to do with law enforcement or law-enforcing officers;
25. Excessive or lustful kissing, particularly when one character or the other is a "heavy."¹⁰

These tenets were entirely voluntary, however, and there was still no way for which to enforce them. And since there were no penalties, studio compliance with the code was often minimal. Eventually, the vagueness of the 'Don'ts and Be Carefuls' led to an attempt to improve on it. In 1930, Martin Quigley, a Catholic layman and publisher of the trade magazine *Motion Picture Herald*, called on the assistance of a Jesuit priest named Daniel A. Lord to draft a new version of this code of standards. This new code of standards was formally known as the Motion Picture Production Code, and with Hays' approval, came into effect on 31 March 1930, when the MPDAA unanimously agreed to abide by the Code. The Studio Relations Committee was installed in an advisory capacity to work with producers throughout all stages of film production.

4. 'Pre-Code' Hollywood: 1930-34

Once the Production Code was in effect, it was predicted by some that state film censorship boards would soon become obsolete. However, for several reasons, in the first four years of the Code's implementation, it did not have quite the effect that many had hoped. This has attributed to several factors. Firstly, the people placed in charge of enforcing the Code were generally ineffectual. Jason Joy, the head of the Studio Relations Committee, was responsible for supervising film productions and advising studios as to where cuts or changes should be made be unacceptable by the state censor. However, his position was merely advisory and did not have the power to force studios to remove material from a film, which led to studios more or less ignoring the SRC. The other reason for the Code's lack of impact was financial. With the onset of the Great Depression in the early 1930s, most of the studios were in financial trouble as attendances fell.¹¹ They knew that sex and violence would sell, and in accordance with the social attitudes of the era, producers believed that the public wanted many of the things that the Code deemed 'indecent'. This led to the release of several films that pushed the boundaries of decency.

Across all genres, films were becoming increasingly daring, more adult, more cynical and more socially and politically strident. According to Thomas Doherty, "No motion picture genre of the Pre-Code era was more incendiary than the gangster film; neither preachment yarns nor vice films so outraged the moral guardians or unnerved the city fathers as the high calibre scenarios that made screen heroes out of stone killers."¹²



Films featuring gangsters such as *The Public Enemy* (1931, William A. Wellman), *Little Caesar* (1931, Mervyn LeRoy) and *Scarface* (1932, Howard Hawks) frequently depicted these men in more positive light than some would have

preferred. Real-life criminals such as Al Capone and John Dillinger had captured the imagination of the American public, and studios were quick to capitalise. These films helped to create a new type of anti-hero. In one notable scene from *The Public Enemy*, Tom Powers (James Cagney) is having breakfast when his girlfriend (Mae Clarke) angers him, prompting him to shove half a grapefruit in her face. This caused outrage not only for violence towards women, but for the fact that Cagney's character is living with a woman he is not married to. Even more provocative was *Scarface*, which is in part based on the life of Al Capone. Howard Hughes, the film's producer, had frequently clashed with the Hays Office over many elements in it, and when the film was completed, several changes were demanded. This included an ending where the main character Tony Comante (Paul Muni) is convicted and hanged for his crimes, and the addition of the subtitle *The Shame of A Nation* to the main title. Even after making these changes, Hughes was unable to get the film past the New York state censor board. He eventually sued the board and won, and was allowed to release the film closer to its intended form.

Much of the main objections to gangster films were how they portrayed the criminal life as glamorous and exciting, and with the continuing Depression, appeared to promote the view that the only path to financial success was a life of crime. Another genre of Pre-Code Hollywood was the 'sex movie'. Studios began to deliberately market these films as such, by

giving them suggestive titles and tag lines with lurid advertising. As Thomas Doherty states in his book *Pre-Code Hollywood: Sex, Immorality, and Insurrection in American Cinema*,

Laughing Sinners, The Road To Ruin, Free Love, Merrily We Go to Hell, Laughter in Hell, Safe in Hell, The Devil is Driving – the titles court not just disgrace but damnation, portending a realm of moral anarchy where reprobates run headlong into perdition, their reckless abandon leading inexorably, though gaily, to ruin. If paid out in the final reel, the wages of sin are less a warning about the costs of the unregenerate life than an advertisement for its compensations.¹³



Studio advertising for these films was provocative, and sometimes even dishonest. Posters and publicity photos featured women in tantalising poses and as little clothing as possible. As a result, Hays himself wrote a new decree concerning advertising, which forbade distributors and producers from using objectionable material in publicity campaigns for films. Stars such

as Mae West, Jean Harlow and Marlene Dietrich pushed the limits of the Code as far as possible, and this led to a renewed outcry from moral leaders. Mae West, particularly in such films as *She Done Him Wrong* (Lowell Sherman, 1933) and extolled the virtues of sin in the eyes of moral guardians. Innocent sounding lines could take on an additional meaning if said by a certain star or in a certain way. For example, Mae West's invitation to 'come up and see me sometime' was found to be extremely suggestive by some. Films like Cecil B. DeMille's epic *The Sign of the Cross* (1932) led directly to the Catholic Church responding by forming the Legion of Decency, with the goal of boycotting indecent films until the Code was properly enforced. At the height of this crusade, over eleven million people signed pledges of support for the Legion. When faced with such a potentially large loss of revenue, the MPDAA decided to take action. In addition, in March 1933, Franklin Roosevelt became President, severing Hays' ties to Republican officials in Washington.¹⁴ On 1 July, 1934, the MPDAA reaffirmed the Production Code, announcing it would levy a \$25,000 fine against any production company that did not co-operate. Joseph Breen was placed in charge of the new Production Code Administration, the successor to the Studio Relations Committee, and wielding more power than ever before.



5. 1934 Motion Picture Production Code

On 15 July, 1934, Joseph I. Breen officially became the head of the Production Code Administration, replacing the former Studio Relations Committee. The 'Hays Office' effectively became the 'Breen Office.' Under the new system, it was now mandatory for MPDAA member companies to have their films approved by the PCA. There were now no more appeals via the Hollywood Production Committee, and all appeals were heard in New York City by the board of directors of the Motion Picture Producers and Distributors Association. Here is the text of the amended Production Code in its entirety:

General Principles

1. No picture shall be produced that will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil or sin.
2. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented.
3. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.

Particular Applications

I. Crimes Against the Law: These shall never be presented in such a way as to throw sympathy with the crime as against law and justice or to inspire others with a desire for imitation.

1. Murder

1. The technique of murder must be presented in a way that will not inspire imitation.
2. Brutal killings are not to be presented in detail.
3. Revenge in modern times shall not be justified.

2. Methods of Crime should not be explicitly presented.

1. Theft, robbery, safe-cracking, and dynamiting of trains, mines, buildings, etc., should not be detailed in method.
2. Arson must subject to the same safeguards.
3. The use of firearms should be restricted to the essentials.

4. Methods of smuggling should not be presented.
3. Illegal drug traffic must never be presented.
4. The use of liquor in American life, when not required by the plot or for proper characterization, will not be shown.

II. Sex: The sanctity of the institution of marriage and the home shall be upheld.

Pictures shall not infer that low forms of sex relationship are the accepted or common thing.

1. Adultery, sometimes necessary plot material, must not be explicitly treated, or justified, or presented attractively.
2. Scenes of Passion
 1. They should not be introduced when not essential to the plot.
 2. Excessive and lustful kissing, lustful embraces, suggestive postures and gestures, are not to be shown.
 3. In general passion should so be treated that these scenes do not stimulate the lower and baser element.
3. Seduction or Rape
 1. They should never be more than suggested, and only when essential for the plot, and even then never shown by explicit method.
 2. They are never the proper subject for comedy.
4. Sex perversion or any inference to it is forbidden.
5. White slavery shall not be treated.

6. Miscegenation (sex relationships between the white and black races) is forbidden.
7. Sex hygiene and venereal diseases are not subjects for motion pictures.
8. Scenes of actual child birth, in fact or in silhouette, are never to be presented.
9. Children's sex organs are never to be exposed.

III. Vulgarity: The treatment of low, disgusting, unpleasant, though not necessarily evil, subjects should always be subject to the dictates of good taste and a regard for the sensibilities of the audience.

IV. Obscenity: Obscenity in word, gesture, reference, song, joke, or by suggestion (even when likely to be understood only by part of the audience) is forbidden.

V. Profanity: Pointed profanity (this includes the words, God, Lord, Jesus, Christ – unless used reverently – Hell, S.O.B., damn, Gawd), or every other profane or vulgar expression however used, is forbidden.

VI. Costume

1. Complete nudity is never permitted. This includes nudity in fact or in silhouette, or any lecherous or licentious notice thereof by other characters in the picture.
2. Undressing scenes should be avoided, and never used save where essential to the plot. Indecent or undue exposure is forbidden.
3. Dancing or costumes intended to permit undue exposure or indecent movements in the dance are forbidden.

VII. Dances

1. Dances suggesting or representing sexual actions or indecent passions are forbidden.

2. Dances which emphasize indecent movements are to be regarded as obscene.

VIII. Religion

1. No film or episode may throw ridicule on any religious faith.
2. Ministers of religion in their character as ministers of religion should not be used as comic characters or as villains.
3. Ceremonies of any definite religion should be carefully and respectfully handled.

IX. Locations: The treatment of bedrooms must be governed by good taste and delicacy.

X. National Feelings

1. The use of the Flag shall be consistently respectful.
2. The history, institutions, prominent people and citizenry of other nations shall be represented fairly.

XI. Titles: Salacious, indecent, or obscene titles shall not be used.

XII. Repellent Subjects

The following subjects must be treated within the careful limits of good taste:

1. Actual hangings or electrocutions as legal punishments for crime.
2. Third degree methods.
3. Brutality and possible gruesomeness.
4. Branding of people or animals.

5. Apparent cruelty to children or animals.
6. The sale of women, or a woman selling her virtue.
7. Surgical operations ¹⁵

Thomas Doherty argues that the text of the Code is ‘a homily that sought to yoke Catholic doctrine to Hollywood formula: The guilty are punished, the virtuous are rewarded, the authority of the church and state is legitimate, and the bonds of matrimony are sacred.’¹⁶ In comparison to the ‘Don’ts and Be Carefuls’, whose terms are far more vague and open to interpretation, the Production Code boasts more clearly defined ‘moral standards.’ The subject of religion is touched upon in the former, yet in the latter, as Doherty asserts, it is at the very core of the text. At the very beginning of the Code’s text, there is a considerable emphasis on the ‘moral importance’ of art and entertainment. It states that entertainment can either improve or degrade the human race depending on its character, and that ‘correct’ entertainment ‘raises the whole standard of a nation’, while ‘wrong’ entertainment ‘lowers the whole living condition and moral ideals of a race.’ Joseph Quigley appears to have taken deadly seriously the power and influence of cinema as a medium. Unlike the Don’ts and Be Carefuls, which do not elaborate much on their main tenets, those presented in the Code are far more lucid.

According to Ruth A. Inglis, nowhere in the Code is there any reference or allusion to a penalty for violation of any of its tenets. To read the text, it would appear that conformity was entirely voluntary. Inglis cites the official Foreword of the Code as released in the 1945-46 *Motion Picture Almanac* :

This service is rendered and this work conducted on a purely voluntary basis. No one is compelled to produce motion pictures in accordance with the Code regulations.

No attempt is made to force producers to accept the service of the Production Code Administration. As a result, however, of more than 20 years of day-by-day operations, during which time eight thousand feature-length motion pictures and twice as many short-subject films have been serviced by the Code Administration, there is evident on all sides a ready disposition to conform to the regulations of the Code and to be guided in large measure by the judgment and experience of its administrators.¹⁷

However, as we have seen, there was hardly a ‘ready disposition to conform’ from 1930 to 1934. If this were the case, there may even not have been a Legion of Decency boycott. In fact, there was a penalty of a \$25,000 fine that was never publicised by the PCA or the MPDAA. Originally, this fine was for producing, distributing, or exhibiting a picture without approval from the PCA, thus non-code films could not be shown in MPDAA controlled theatres. But since a later amendment to the Code, the fine no longer applied to exhibition.

6. Joseph I. Breen

As head of the Production Code Administration, Breen was far more effective than any of his predecessors. He had the backing of Catholics and, this time, the full co-operation of the industry. Ruth A. Inglis writes that a significant measure of his success can be attributed to his personality.

Because of his fairness, reasonableness, and courage, he commands a position of respect among the producers. He is generally liked as an honest, witty Irishman, whose enjoyment of life disqualifies him for the usual censor stereotype [...] On the other hand, Breen can be tough and is able to oppose the most influential figures in Hollywood.¹⁸

Under Breen's leadership, enforcement of the Code was far more strict and rigid than ever before, although many studio heads still preferred the idea of self-regulation to government regulation, and after a while, many local censorship boards were dissolved. Even films made during the pre-Code years were subjected to censorship post 1934. While some were simply withdrawn from circulation if deemed 'immoral,'¹⁹ others were altered irrevocably from censorship. Films such as the Marx Brothers comedy *Animal Crackers* (Victor Heerman, 1930), *Arrowsmith* (John Ford, 1931) and *A Farewell to Arms* (Charles Vidor, 1932) no longer exist in their original versions. In terms of politics, perhaps the most glaring differences between Hollywood before and after the Code can be seen with *Gabriel Over the White House* (Gregory La Cava, 1933) and Frank Capra's classic *Mr Smith Goes to Washington* (1938). The former seems to have no faith whatsoever in America's constitutional democracy, with the President becoming a benevolent dictator in order to find a solution to the country's economic crisis. *Mr Smith*, on the other hand, is a reaffirmation of American values, not a rebuke. In *Mr Smith*, it is men who fail the system, while in *Gabriel* it

is the system that fails the men. In the case of the ‘gangster picture’, James Cagney’s character in *Angels With Dirty Faces* (1937) deliberately ‘goes yellow’ on the way to his execution so that the young boys who idolise him will cease their admiration of him. In the case of eroticism, the most visible sign of Code enforcement was the concealment of women’s flesh. For example, in *Tarzan And His Mate* (1934), Maureen O’Sullivan’s outfit left little to the imagination. However, in *Tarzan Escapes* (1936), Breen decided she should wear a modest, knee-length skirt.²⁰



Johnny Weissmuller and Maureen O’ Sullivan, *Tarzan and His Mate* (Cedric Gibbons, 1934)²¹

If there was ever an upside to the Code, it was that it saved the studios large sums of money on editing and alteration of prints in order to gain approval of various censorship boards in different states and cities. Thomas Doherty states that by the end of 1934, the studios estimated that over a million dollars on film alterations alone had been saved via the enforcement of the Code.²² The six-year old Shirley Temple rose to superstardom that year, with films such as *Stand Up and Cheer* (Hamilton MacFadden, 1934), *Little Miss Marker*

(Alexander Hall, 1934), and *Bright Eyes* (David Butler, 1934). She was advertised as ‘an attraction that will serve as an answer to many of the attacks that are being hurled at pictures.’²³ While many considered the Code to be draconian and repressive, it can be argued that it prevented a potentially more repressive national censorship. In *Film History: An Introduction*, David Bordwell and Kristin Thompson suggest that ‘in practical terms, the Code was not a tool of the prudish minds of MPDAA officials but a summary of the types of subject matter that could get movies cut by local censors or banned for Catholic viewers.’²⁴ They elaborate their point further by stating that the Code saved Hollywood money by telling filmmakers to avoid shooting scenes that would be cut anyway, and that the MPDAA did not wish the studios to erase every risqué line or violent moment, but to go just far enough to titillate the public without crossing the lines defined by the censors.

7. The Code Cracks

Breen remained as head of the Production Code Authority for the next twenty years. From 1934 until the decline and eventual disintegration of the Code in the 1960s, obedience to its authority profoundly influenced the nature of Hollywood cinema. Yet there were some who did not feel like cooperating with the Breen Office. When Howard Hughes made *The Outlaw* (Howard Hawks) in 1942, he had trouble getting it approved on account of the prominent display and emphasis on Jane Russell's breasts. He submitted the script to the PCA, but shot it without their blessing. He booked the film in independent theatres without a seal. Breen worried that doing so would inspire a glut of exploitative sex which would incur the wrath of local censors or the federal government.²⁵ Filmmakers who were clever enough were able to find ways of implying the forbidden tenets without spelling them out. Films such as *The Big Sleep* (Howard Hawks, 1946) featured suggestive dialogue between Humphrey Bogart and Lauren Bacall, ostensibly on the subject of horse-riding, but it is clear to the viewer what they are truly implying. The same year saw the release of *Gilda* (Charles Vidor, 1946). Breen raised several objections with the script, including what he termed 'the stocking incident'²⁶: when Gilda climbs into a car, her skirt parts to show most of her right leg.



Jane Russell in promotional photos for *The Outlaw* (Howard Hawks, 1942)²⁷

Breen retired as head of the PCA in 1954. By now, however, as Thomas Doherty notes, there was a series a social and cultural forces that transformed the nation in the years following the Second World War. Economic prosperity had allowed for greater personal freedoms and satisfactions, along with a far broader range of moral options.

Throughout the 1950s, the Code was questioned, challenged, and ignored. Imports from overseas and a vibrant art house market applied pressure from the edges, but it was television, the new mass medium of the moving image, that pushed Hollywood to transgress its own laws [...] In postwar America, the very notion of official morality, officially regulated, came to seem antiquated and intrusive. National security and economic prosperity, the obsessions of the 1930s and 1940s now shared cultural space with freedom of expression and civil rights, the obsessions of the 1950s and 1960s.²⁸

A series of legal rulings, most notably the aforementioned Antitrust Case of 1948 and *Burstyn v. Wilson* (also known as the ‘Miracle decision’) in 1952, continued to erode and undermine the authority of the Code. In the case of the latter, the film *The Miracle* has been one half of the anthology film *L’Amore* (Roberto Rossellini, 1948). The film was exhibited in New York by Joseph Burstyn in November 1950, and condemned by the Legion of Decency as ‘sacrilegious.’ This led to it being banned by the New York State Board of Regents and the ensuing lawsuit resulted in the ‘Miracle Decision.’ The fact that films were now protected under the constitution meant that the previous threat of government regulation, which had always been cited as the main justification for the Production Code, was reduced, as was the power of the PCA over the American film industry.²⁹

Defiance of the Code continued with the influx of ‘unapproved’ foreign films and the end of vertically integrated studios, which meant that studios could no longer force theatres to accept their product exclusively.³⁰ Realising this, director Otto Preminger and United Artists challenged the Code by releasing two provocative films, *The Moon Is Blue* (1953) and *The Man with The Golden Arm* (1955), notable for featuring Frank Sinatra as a heroin addict. Both were released without Code seals. The following year saw the release of *Baby Doll* (Elia Kazan, 1956), which while receiving approval from the PCA, was, ironically, condemned by the Legion of Decency, the body largely responsible for creating the Production Code in the first place.³¹ This resulted in considerable publicity for the film and four Academy Award nominations.



Frank Sinatra in *the Man With The Golden Arm* (Otto Preminger, 1955) ³²

8. Conclusion

As mentioned in the introductory section of this text, the PCA governed production not distribution, leaving them powerless to stop the inward flow of controversial European films into American theatres. Perhaps the most damaging film in terms of undermining the PCA's authority was *Blowup* (Michelangelo Antonioni, 1966). The PCA could do nothing to stop the film from being released in the United States, and is noteworthy for being an instance of a major studio defying the Code. This led to other studios following suit, such as the Warner Bros. release of *Who's Afraid of Virginia Woolf* (Mike Nichols, 1966), which featured a level of profanity unheard of in Hollywood at the time. The same year, Jack Valenti, a former member of the Lyndon Johnson administration, became president of the MPAA. By the late 1960s, the influence of European cinema had taken hold on many of Hollywood's new young filmmakers. Films with graphic violence or controversial subject matter such as *Bonnie and Clyde* (Arthur Penn, 1967) and *The Graduate* (Mike Nichols, 1967) were approved for

release. Faced with the dilemma of dropping self-regulation altogether, a number of revisions were made to the Code. A simple classification system was adopted.³³ The label ‘Suggested For Mature Audiences’ was affixed to films judged unsuitable for children, prefiguring the present rating system in America. However, in 1968, two years after these revisions, Valenti made the momentous decision to do away with the Code. Leaders of the industry were startled when the Supreme Court upheld the right of federal censor boards to classify films for children and were considering the concept of ‘variable’ obscenity.³⁴ Thus, studios embraced the idea of a full-scale rating system. Under this new system, American film producers and the importers of foreign features would submit their films to the MPAA’s Code and Rating Office. Each film was viewed and assigned one of four possible designations: ‘G’ (general audience), ‘PG’ (parental guidance), ‘R’ (restricted, no person under seventeen may be admitted unless accompanied by an adult), and ‘X’ (no one under seventeen may be admitted). This new system institutionalised the process of targeting films at specific audience age groups.³⁵ As a result, the United States was the last nation in the Western world to institute an age classification for films.



In concluding this dissertation, I believe I have accounted for the most important facets of the Production Code's history and detailed the chief reasons for and the circumstances behind its initial enforcement. The numerous scandals and negative publicity for Hollywood in the 1910s and 1920s forced the industry leaders to enforce self-regulation to avoid government censorship. The Great Depression led studios to lure back audiences any way they could, this and the lack of compliance with the Code led to the emergence of the so-called 'Pre-Code' cinema. The threats of boycotts from Christian and other religious groups forced a far more rigid enforcement of the Code from 1934 onwards. It was a series of legal rulings finding the medium of film to be a legitimate organ of free speech and artistic expression and not merely a commercial product that diluted the power of the Code throughout the 1950s and 1960s, along with the seismic social and cultural shifts occurring in America in this era. These elements undoubtedly played a role in its demise, in addition to the fact that it was wildly

outdated and inefficient for the modern age. The Code surely had a significant effect on the American film industry for the years during and after its enforcement, for some it was a golden era of commercial and artistic prosperity and for others a period of repression, where artistic expression was restricted by people who did not represent the majority of Americans.

While the MPAA rating system that replaced the Production Code has, for the most part, yielded generally positive results, many believe it is still flawed. For example, film critics such as Roger Ebert argue that the system places far more emphasis on sex and profanity than violence, and that the MPAA should be ‘taking into account the context and tone of a movie instead of holding fast to some rigid checklist.’³⁶

The MPAA rating is still the current system of film classification in the United States, but like the Production Code before it, it has faced opposition from many filmmakers and critics for being an insufficient and irrelevant system. It is accused of being lenient on violence, yet oddly reactionary when it comes to sex and language.

To summarise, the Motion Picture Production Code had an undeniable effect on the American film industry, in terms of content and tone. It has also left behind a controversial legacy, with those who debate both its pros and cons. In any case, the subject of censorship and restriction of film is one that is still relevant today, perhaps the best evidence of the Code’s lasting effect.

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10. Endnotes

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