

THESIS

(RE)DEFINING MOVIE RATINGS:
ACCEPTABILITY, ACCESS, AND BOUNDARY MAINTENANCE

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ABSTRACT

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This thesis explores the allure of motion pictures in transition by focusing on moments of controversy, and in the way, these moments play-out through constant negotiation between an industry and an audience. In this way, the project dismantles MPAA rhetoric about film regulation in order to analyze the regulatory themes of access, acceptability, and boundary maintenance. In doing so, the project examines the history of film regulation to provide context to contemporary controversies surrounding the PG-13 and NC-17 ratings. Through a critical cultural lens, each rating is evaluated according to its impact on viewers and its reflection of cultural standards and norms. For this project, the most credible rating controversies question the themes of acceptability for the PG-13 rating and access for the NC-17. In these moments, the rating system does not successfully respond to discourse from audiences and industry members and shows the inherent limitations of the film industry's self-regulatory practices. At the same time, the project notes the necessity of the rating system to ensure the long-term success of the industry, in addition to, the overall freedom of film content.

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Introduction

“One of the most trenchant areas of film studies has been the exploration of the public sphere, the larger social, political, and aesthetic context into which cinema gradually inserted itself.”¹

There is no doubt that the landscape of cinema has shifted drastically in the last century from early nickelodeons to franchised blockbusters in multiplexes. Throughout the course of its history, motion picture innovations inspire a response from audiences, as active consumers, and industry members, as invested gatekeepers. As with any widespread communicative medium, there is the opportunity for artistic expression and commercialization that at times vie for position. For the public, motion pictures represent the ability to see representations of reality in new and exciting ways as an escape from the rituals of everyday life. For the industry, motion pictures mean profit and the ability to create a successful and enduring industry of entertainment. In doing so, motion pictures enter into the spotlight of society where it has become a permanent resident for over a century. From this perspective, the story of cinema is fundamentally linked to the public and audience that the industry tries so hard to cater to in a complex web of economic, political, and sociological connections. Rather than tracing each detail of the narrative, this project explores the allure of cinema in transition by focusing on moments of controversy, and in the way, these moments play-out through constant negotiation between an industry and an audience, almost like a film itself.

When discussing cinematic controversy, there are multiple ways to approach the topic. Kendall Phillips presents a thorough examination of controversy when he describes film as a

¹ Donald Crafton, “The Jazz Singer’s *Reception* in the Media and at the Box Office,” in *Post-Theory: Reconstructing Film Studies*, ed. David Bordwell and Noel Carroll, 461. Madison: University of Wisconsin Press, 1996.

public stimulus that at times provokes a specific, often negative, response from individuals. If individuals choose to vocalize these responses, they can form community with others and spark conversations that move closer and closer to the public sphere and public records. Phillips describes this process as an in-between stage that is ripe for scholarly intervention. He writes, “The notion of controversy is a useful way of thinking about that vital middle stage between the first feelings of offense and the subsequent efforts at resolving these objections—which at times might involve the mechanisms of censorship.”² For Phillips there is a clear separation between the controversy initiated by films and the intervention of censorship.

Although such a distinction is useful when considering audience response, censorship and regulatory practices are not easily relegated to the peripheral. In fact, censorship and regulation can preemptively influence the way audience’s view and access film, thereby, governing or delimiting potential audience response. In other words, censorship and controversy go hand-in-hand in a reciprocal relationship that has yet to be fully understood partially because of the fluidity of film regulation. Lea Jacobs alludes to this fact in her discussion of early film censorship. She posits that “censorship as an institutional process did not simply reflect social pressures; it articulated a strategic response to them.”³ These responses changed on a case-by-case basis before films even began production. These pre-emptive actions were at times institutionalized, thereby, defining regulatory action for subsequent films. Jacobs describes this interaction between controversy and censorship as a “dynamic interplay of aims and interests”

² Kendall R. Phillips, *Controversial Cinema: The Films that Outraged America*, (Westport, CT: Praeger Publishers, 2008) xv.

³ Lea Jacobs, “Industry Self-Regulation and the Problem of Textual Determination,” in *Controlling Hollywood: Censorship and Regulation in the Studio Era*, ed. by Matthew Bernstein (New Brunswick, NJ: Rutgers University Press, 1999), 93-94.

marked by tension and negotiation.⁴ In this sense, censorship and industry regulation play an *active* role in film controversy in order to reduce, if not outright manage, public response. The real question is whether or not current film regulation enacts the same active role in audience response as evidenced during early film history. This project attempts to answer the question by walking along the precipitous distinction between film controversy and regulatory intervention.

In moving to the discussion of film censorship and regulation, scholars are prone to bandy terms. Sometimes using censorship and regulation interchangeably to support an argument that regulation is a form of censorship or that censorship is external to self-imposed industry regulation. With so many perspectives, it is easy to misunderstand terminology. In order to avoid such confusion, this project provides its own interpretation of terms by treating each as distinct. To this end, censorship refers to the omission or blockage of film content at any point throughout the production process whether from external censorship boards or from internal regulatory practices. The most recognizable standard of film censorship came from within the industry as the Motion Picture Production Code. The Code's stringent guidelines on what was "appropriate" for motion pictures, combined with the administration's authority to enforce studio compliance in 1934, changed the history of motion pictures for over thirty years.⁵

In contrast to censorship, regulation refers to any self-imposed restriction by the film industry. These restrictions function to protect the long-term interests of the industry. For contemporary film viewers, regulation is equivalent to the conventional green screen that appears before many mainstream productions and displays a rating of G, PG, PG-13, R, or NC-17. However,

⁴ *Ibid*, 94.

⁵ *Ibid.*, 89-90. Marked by the reconstituting of the Studio Relations Committee with the Production Code Administration.

film regulation is not limited to these familiar categories. Instead, film regulation is dynamic and pervasive, composed of history and impetus. Regulation unfolds through constant negotiation between an industry and an audience, government bodies and independent companies, filmmakers and film raters. In essence, regulation permeates each stage of film production, exhibition, and distribution without subscribing to censorship. Where censorship is preemptive and conspicuous, blocking content from reaching theater screens; regulation is subtle and pervasive by potentially blocking access to the mainstream marketplace.

In order to tease out these subtleties, the following paragraphs explore a moralizing component of film regulation that originates in early censorship practices and echoes in contemporary regulatory standards. In his provocative discussion of film censorship, Murray Schumach correlates the prevailing censorial issue of the mid-1960s, film nudity, to a basic sociological conflict with public moral standards. He contends that “whenever the gap between movies and public morality is wide it becomes filled with the whirlpool rush and turmoil of censorship.”⁶ In doing so, Schumach equates the mass appeal of film to mass morality where religion and social mores take center stage. He goes so far as to say that censorial issues, like film nudity, can act as a barometer of national mores as they transition revealing not only the standards of the film industry, as watchdogs of film interests and long-term success, but audiences as well.⁷

Although Schumach’s perspective may over-generalize the relationship between the film industry and mass audiences—by not addressing the underlying power relations and channels of communication between viewers and the film industry—his understanding of film censorship

⁶ Murray Schumach, *The Face on the Cutting Room Floor*, (New York: Da Capo Press, 1974) 4-5.

⁷ Schumach, *Face on the Cutting*, 5.

elucidates the precarious position occupied by regulation especially during moments of tension between public opinion and industry expectation. Under these circumstances, censorship and regulation intervene as moderators that must be as flexible as the issues and mores under question. As a result, film censorship has taken many different forms over the last century, constantly evolving and adapting, in an effort to maximize profits without alienating audiences.

In order to strike this balance, early film history resorted to what Kevin Sandler terms “harmless entertainment” where films were preemptively tailored, through censorial intervention, to suit all ages, thereby, maximizing audience reception and minimizing public backlash.⁸ Harmless entertainment endured through the Production Code, which acted as a manifesto for censorial intervention. In the preamble, the Code presents a rationale for policing film content based on the medium’s popularity and potential influence on society: “Motion picture producers recognize the high trust and confidence which have been placed in them by the people of the world and which have made motion pictures a universal form of entertainment. They recognize their responsibility to the public because of this trust and because entertainment and art are important influences in the life of a nation.”⁹ For many, the rhetoric of responsibility resonated garnering enough support to allow the Code to control entryway and participation into the legitimate theatrical marketplace.¹⁰

⁸ Kevin Sandler, *The Naked Truth: Why Hollywood Doesn’t Make X-Rated Movies*, (New Brunswick: Rutgers University Press, 2007) 43-44.

⁹ Robert H. Stanley, *The Celluloid Empire: A History of the American Movie Industry*, (New York, N.Y.: Hastings House, 1978), appendix I. The Motion Picture Production Code as referenced here contains all revisions and amendments through 1954.

¹⁰ Sandler, *The Naked Truth*, 43.

Even with the change from censorship to classification, the rhetoric of the film industry echoes the theme of responsibility. In an interview with Brooks Boliek, Jack Valenti, just months before his retirement in 2004, described the rating system as freedom tempered with responsibility:

You know, I invented a ratings system, which understood two things: One, the First Amendment reigns: Freedom of speech: Freedom of content. The director is free to make any movie he wants to make and not have to cut a millimeter of it. But freedom without responsibility is anarchy. The director will know he can do that, but some of his films may be restricted from viewing by children. I thought that was a balancing of the moral compact.¹¹

Instead of producing harmless entertainment for all ages, the new rating system classifies content to protect children and young adults in an undefined “moral compact.” The responsibility of the industry seems to have shifted from the public in general to younger, vulnerable audiences. Such a shift appears progressive and positive by increasing creative expression; however, Sandler contends that the transition to “responsible entertainment” and a rating system functions much like “harmless entertainment” of the past.¹² On the surface, the rating system does nurture the freedom of speech and creative expression especially in comparison to the censorship of the past. Nevertheless, underneath the rhetoric, there is still control and gatekeeping from the Motion Picture Association of America (MPAA) through the ratings to the extent that certain content will never reach the mainstream by conventional means.

In exploring questions of responsibility and access, this project seeks to move beyond the surface of film regulation to explore how the film industry fundamentally conceptualizes or predetermines audiences across multiple iterations of self-regulation. In this manner, the thesis

¹¹ “A Chat with Jack Valenti,” *Billboard*, May 10, 2004.
<http://www.billboard.com/biz/articles/news/1430796/a-chat-with-jack-valenti>.

¹² Sandler, *The Naked Truth*, 43-44.

argues that the regulatory change in the film ratings system, from content censorship to ratings classification, is not necessarily a progressive move that champions freedom of expression and viewer choice as the MPAA publically professes. Instead, the contemporary ratings system acts as an industrial mechanism that allays external pressure from prominent interest groups, governing bodies, and censorial boards in order to uphold industry profitability and self-interest. At the same time, the film industry maintains a responsible face to the public that buffers controversy and bolsters regulatory intervention. The result is an incongruous form of regulation that is best viewed through moments of controversy when the veil covering the industry and audiences is briefly lifted.

Under this context, the thesis aspires to dismantle MPAA rhetoric about film regulation through a critical evaluation of movie ratings in order to analyze the regulatory themes of access and acceptability surrounding the PG-13 and NC-17 ratings. In doing so, the project borrows heavily from Kevin Sandler's notion of "responsible entertainment" as the current industry standard for promoting free expression through the ratings system without changing the same outdated adherence to "harmless entertainment" for all ages.¹³ In effect, "responsible entertainment" abandons the distribution and exhibition of adult-only content through the NC-17 and X ratings based on a moral responsibility to society. The result is an adherence to dominant cultural values that establish boundaries of acceptability through ratings that deny mainstream access to unacceptable forms of content without subscribing to outright censorship. These regulatory structures take an active role in treating audiences as implicitly bound to Stuart Hall's understanding of "frameworks of knowledge, relations of production, and technical

¹³ *Ibid.*

infrastructure” that are encoded by the film industry and disseminated to media audiences.¹⁴ In this way, the film industry borrows from early effects research that describes audiences as susceptible receivers of media messages and vulnerable to their intended effect in order to self-impose “responsible” regulatory action for young adults and children while simultaneously changing the landscape of adult-only films.¹⁵ Although film viewers are able to challenge or appropriate these regulatory definitions through “oppositional codes,” their efforts are often preemptively silenced in comparison to industry sanctions, which have the power to relegate viewer *access* to film productions.¹⁶

Through textual analysis and contextual information, the thesis begins to explore the way film regulation and movie ratings implicitly define what is acceptable with what is profitable while relegating more controversial and adult-only topics to the peripheral marketplace. In doing so, the project draws from Michel Foucault’s conceptualization of power to illustrate how film regulation is both productive and prohibitive or repressive.¹⁷ In the *History of Sexuality*, Foucault defines sexuality as a function of the complex interplay between power and knowledge or “the set of effects produced in bodies, behaviors, and social relations by a certain deployment

¹⁴ Stuart Hall, “Encoding/Decoding,” in *Media Studies: A Reader 3* ed., edited by Sue Thornham, Caroline Bassett, and Paul Marris (New York: New York University Press, 2009), 30-31.

¹⁵ Jack McLeod, Gerald Kosicki, and Zhongdang Pan, “On Understanding and Misunderstanding Media Effects,” in *Mass Media and Society*, ed. by James Curran and Michael Gurevitch (London: Edward Arnold, 1991), 236.

¹⁶ Hall, “Encoding/Decoding,” 33.

¹⁷ Numerous film scholars are directly or indirectly influenced by Foucault’s understanding of power in their discussion of censorship including Thomas Doherty and Annette Kuhn. For an example that summarizes the productive nature of film regulation and power, see Theresa Cronin, “Media Effects and the Subjectification of Film Regulation,” *The Velvet Light Trap*, no. 63 (Spring, 2009), 3, doi: 10.5555/vlt.2009.63.3.

deriving from a complex political technology."¹⁸ These power relations are diffuse and productive when, through micro-interactions, they begin to constitute our identities.¹⁹ In this way, film regulation is an integral component in the vast network of power relations that structure the way we talk about and implicitly treat controversial subjects like sexuality and violence. Leo Bersani finds Foucault's thesis typified through the power relations in society that function "primarily not by repressing spontaneous sexual drives but by producing multiple sexualities, and that through the classification, distribution, and moral rating of these sexualities the individuals can be approved, treated, marginalized, sequestered, disciplined, or normalized."²⁰ At the same time, film regulation can also repress creative freedom by setting borders around specific content through rating classifications in a form of boundary maintenance that limits certain content from reaching the mainstream. In essence, the industry works as gatekeepers with the power to accept or deny films. However, film regulation is also bound to the discourses of the public. In moments of controversy, industry members and film viewers use public discourse during moments of controversy to discipline and at times negotiate the power of the trade organizations.

By analyzing examples of boundary maintenance in film texts and paratexts, the thesis is able to comment on the prevailing ideology of acceptability where specific content is privileged over others through MPAA rating categories and audiences are constructed and constrained through availability and access to film productions. From these examples, critical interpretations

¹⁸ Michel Foucault, *The History of Sexuality Volume I: An Introduction*, Tran. Robert Hurley, (New York: Vintage Books, 1990) 127.

¹⁹ Foucault, *History of Sexuality*, 92-93.

²⁰ Leo Bersani, *Homos*, (Cambridge, MA: Harvard University Press, 1995) 81.

of representation and privilege can be addressed. However, the primary focus is not to discount or discredit the film rating system but to explore its impact and influence on media audiences. In short, the thesis adopts an industrial perspective on film regulation that explores the way ratings constrain and define audiences through standards of acceptability, mainstream access, and boundary maintenance.

As a guide for subsequent analysis, the project begins with a historical overview by providing necessary context on the role of film regulation in balancing responsibility in one hand and commercial profitability in the other. In doing so, the discussion gravitates toward the Motion Picture Production Code as the epicenter of early industrial regulation where morality is publicized and coded in response to external pressures that threatened the commercial viability of the film industry. In effect, the Production Code set the stage for film regulation to define what is morally acceptable for film audiences based on the industrial position that audiences are susceptible and vulnerable to the content of film productions. Far from being a product of the past, this configuration of audiences and the overarching focus on responsible entertainment tempered by profitability translates into the current rating system, particularly in the introduction of the PG-13 and NC-17 movie ratings. In presenting a contextual overview of film regulation, before moving to discourse surrounding the current rating system, the thesis attempts to show the complex negotiation at play within film regulation and some of the leading factors in its creation and maintenance of an enduring rhetoric that constrains audiences according to standards of acceptability and access while simultaneously advocating for artistic freedom and viewer choice.

Setting the Stage: Morality, Profitability, and Film Audiences

Since its publication in 1930, the Production Code set a precedent for the role of motion pictures and their influence on film viewers that carries over to the present day. Although the Production Code was not the first self-regulatory practice by the film industry, it was the most impactful and directly shaped the exhibition and distribution of films until its retirement in 1968.²¹ The Code was so influential, in fact, that most film historians differentiate between pre-code and post-code eras. Such a distinction helps situate readers within the framework of film regulation. Pre-code Hollywood, 1930-1934, was tumultuous with numerous scandals, religious and public outcry, and ineffective regulatory enforcement. The Production Code and post-code era marked a significant change in the way the industry self-regulated films and in the way audiences experienced cinema.

As a response to the technological achievement of sound film and the rising pressure of local, religious, and state censorship boards, the Production Code was drafted to reaffirm previous “wholesome standards” and enforce responsible entertainment so that no picture production would lower the moral standards of those who see it.²² In the “Preamble” and “General Principles” sections, the Code outlines the rationale for implementing self-regulation as, in part, for the moral benefit of society where motion pictures support spiritual and moral progress and correct methods of thinking. These overtly political-religious words stemmed from a deep cultural unrest. As the Great Depression spread across the nation, audiences were primed for an escape,

²¹ Stanley, *The Celluloid Empire*, 184-86. Early self-regulatory actions were tenuously enacted through the Motion Picture Producers and Distributors of America’s (MPPDA) Department of Public Relations through a voluntary list of “Don’ts” and “Be Carefuls” concerning specific types of film content.

²² *Ibid.*, appendix I. The Motion Picture Production Code as referenced here contains all revisions and amendments through 1954.

even momentarily, from the harsh realities of life. Under these circumstances, motion pictures provided an inexpensive past time for the public, one with unprecedented levels of freedom to portray controversial topics and content.²³

As the cinema grew and spread, assimilating at an accelerated rate, film became a target for cultural watchdogs who feared the power of its influence. John Nichols finds these public assumptions internalized in the Production Code. He writes, “In the Code’s formulation film’s vibrant approximation of reality, which stems partly from its visual impact and partly from its novelty as a new medium made it more powerful than other arts and therefore deserving of stricter regulation.”²⁴ In this sense, the Code functioned as a bulwark for the industry allowing the Production Code Administration (PCA), the regulatory arm of the Motion Picture Producers and Distributors of America (MPPDA), to channel film controversy toward one industry-regulated source.²⁵ This is not to say that all controversies and condemnations of film were resolved, far from it. However, the PCA and the Code did become a conduit for criticism and an official mechanisms for resolution.²⁶

During this early segment of film history, the film industry acted on the position that influential entertainment demands responsible restrictions. As early as 1915, the Supreme Court refused to uphold free speech provisions for motion pictures in the *Mutual Film Corporation v.*

²³ Thomas Doherty, *Pre-Code Hollywood: Sex, Immorality, and Insurrection in American Cinema 1930-1934*, (New York: Columbia University Press, 1999), 16-17.

²⁴ John Nichols, “Countering Censorship: Edgar Dale and the Film Appreciation Movement,” *Cinema Journal* 46 (2006), 5.

²⁵ The MPPDA changed their name to the more succinct MPAA in 1945.

²⁶ Phillips, *Controversial Cinema*, 12.

Industrial Commission of Ohio.²⁷ In this case, the Court defined motion pictures as business pure and simple while simultaneously voicing concern over film's power as a social force that is capable of evil.²⁸ The following passage from the court ruling epitomizes Justice Joseph McKenna's decision and overarching concerns:

That the exhibition of moving pictures is business, pure and simple, originated and conducted for profit, like other spectacles, not to be regarded, nor intended to be regarded by the Ohio Constitution, we think, as part of the press of the country, or as organs of public opinion. They are mere representations of events, of ideas and sentiments published and known; vivid, useful, and entertaining, no doubt, but, as we have said, capable of evil, having power for it, the greater because of their attractiveness and manner of exhibition.²⁹

The court's decision empowered state and municipal censorship boards to demand post-production cuts and revisions from motion pictures without infringing on First Amendment protections. In an attempt to reduce these costly and untimely interventions, early regulation efforts by the film industry worked to preemptively restrict controversial content from entering the silver screen.

These self-imposed restrictions were in response to external pressure from state and local censorship boards such as the Roman Catholic Legion of Decency.³⁰ Although internationally based, the American division of the Legion of Decency influenced the early drafts of the

²⁷ Jane M. Friedman, "The Motion Picture Rating System of 1968: A Constitutional Analysis of Self-Regulation by the Film Industry," *Columbia Law Review* 73, no. 2 (1973): 186-87, doi: 10.2307/1121227.

²⁸ Jon Lewis, *Hollywood v. Hard Core: How the Struggle over Censorship Saved the Modern Film Industry*, (New York, N.Y.: New York University Press, 2000) 91.

²⁹ *Mutual Film Corporation v. Ohio Industrial Commission*, 236 U.S. 230, U.S. Supreme Court (1915), p. 244.

³⁰ National Legion of Decency, *Motion Pictures Classified by National Legion of Decency: a Moral Estimate of Entertainment Feature Motion Pictures*, (New York, N.Y.: National Legion of Decency, 1959) vi-vii. The digitally archived document can be accessed with the following URL: <https://archive.org/details/motionpicturescl00nati>.

Production Code in support of strict adherence to traditional Judeo-Christian morals. Under this scheme, Stephen Vaughn contends, “censors, who had a strongly conservative agenda, changed movie scripts long before they reached the production stage” and the PCA “prohibited treatment of certain topics.”³¹ If filmmakers tried to circumvent the PCA, they were typically confronted by boycotts from the Legion of Decency or unsympathetic state and local censorship boards. Stephen Farber appeals to “the fact that the Catholic Church could wield this much economic power meant that film producers and studio executives felt they had no choice but to cooperate with the Legion of Decency.”³² He continues by pointing out that “during the years in which the Production Code was being rigidly enforced, the Production Code Administration and the Legion worked closely together—so closely, indeed, that from 1934 to 1967 only five movies granted a Code seal were “Condemned” by the Legion.³³ In this way, the film industry operated, often through negotiation, to reduce external opposition from religious and advocacy groups through internal censorship. These self-imposed restrictions helped the film industry reduce the uncertainty of film reception from state and local censorship boards and bolster the profitability of family-friendly films.

From an industrial perspective, self-regulation is inherently tied to economic motivations. As an industry, the need to secure the future of film by reducing external censorship and forestalling government intervention was, and still is, paramount to studio heads and industry

³¹ Stephen Vaughn, *Freedom and Entertainment: Rating the Movies in an Age of New Media*, (Cambridge: Cambridge University Press, 2006), 2.

³² Stephen Farber, *The Movie Rating Game*, (Washington, DC: Public Affairs Press, 1972), 7.

³³ *Ibid.*

leaders. Jon Lewis argues that film censorship and regulation are subjugated to the long-term economic health of the industry:

Specific content in specific scenes of specific films, which comes to mind first when one thinks about self-regulation in Hollywood, is of secondary significance. The policing of images onscreen rarely concerns the images themselves, the morality or immorality of their content. It derives instead from concerns about box office, about how to make a product that won't have *problems* in the marketplace.³⁴

Lewis' adamant appeal to economic motivations is not easy to overlook since monetary gain motivates the actions of any profit seeking institutions especially entertainment industries. However, economics and profit do not account for the intricacies of regulation or the influence of the public in shaping and changing what economic success means. In other words, economic viability is a constant of industry regulation but not the conclusion. The film industry must be sensitive to public standards and social norms in addition to market success.

In order to balance these varied interests, the MPAA, as the trade organization of the industry, must maintain a rhetoric of accomplishment and advocacy. Chris Dodd, chair and corporate executive officer of the MPAA, champions the past ninety years of self-regulation as a proud tradition that upholds the freedom of speech for audiences and artists without unnecessary government intervention.³⁵ The MPAA also contends that the industry's self-regulation of the past and present promotes a freer future for film studios and film viewers alike. In a sense, the MPAA places themselves as freedom activists working for the interests of film viewers and producers while simultaneously cultivating the economic interests of the film industry.

³⁴ Jon Lewis, *Hollywood v. Hard Core*, 7.

³⁵ Chris Dodd, "MPAA Chairman, Senator Chris Dodd, Accepts the Media Institute's Freedom of Speech Award," *MPAA*, November 20, 2014, <http://www.mpa.org/mpaa-chairman-senator-chris-dodd-accepts-the-media-institutes-freedom-of-speech-award/#.VwLK49L2ZaQ>.

From a critical perspective, these measures set a problematic precedent for audience reception in entertainment. Richard Maltby contends that the early film era of responsible entertainment was essentially industrial self-interest under the guise of ethical and moral responsibility. The result, he argues, is a form of censorship that aims at the lowest common denominator for maximum reception and profitability.³⁶ His assertions highlight the primary concern of the film industry to ensure self-preservation and to control film profits. However, Maltby's dismissal of the industry's ethical or moral responsibility overlooks an enduring component of film regulation. Cultural responsibility is integrated into film regulation in order to balance profitability and ensure a vast and reliable viewing audience. In other words, moral responsibility is the public face of the industry that works to reflect and shape the standards of American society and culture.

While profitability remains ingrained and fixed, ethics and moral responsibility is often implicit and ideological. With voluntarily self-regulation among major Hollywood studios and their collective control over the production, distribution, and exhibition of most films, many scholars try to capture the powerful and long-term effects of the Production Code in shaping the content of America's most vital cultural medium through strict adherence to a moral code or ideology.³⁷ Kevin Sandler broaches the perspective of regulation and ideology when he defines the Code as an "intractable, ideological, and all-inclusive code of regulation" that shaped American

³⁶ Richard Maltby, *Harmless Entertainment: Hollywood and the Ideology of Consensus*, (Metuchen, N.J.: Scarecrow, 1983), 53-56. And Richard Maltby, *Hollywood Cinema* (Oxford U.K.: Blackwell, 1995), 6.

³⁷ Leonard J. Leff and Jerold Simmons, *The Dame in the Kimono: Hollywood, Censorship, and the Production Code*, (Lexington: University Press of Kentucky, 2001), xiv.

cinema for over forty years.³⁸ In a similar manner, Robert Stanley critiques the Production Code as “highly moralistic and restrictive in nature, prohibiting a wide range of human expression and experience from being presented in motion pictures.”³⁹ In effect, the ideology of the Production Code maintained the status quo by reifying “acceptable” standards of living. In this way, the Code catered to harmless film content that excluded many representations of life by privileging dominant American religious standards.

The Code’s restrictions and prohibitions on specific film content such as sex, drugs, and crime echoed a morality of correct thinking that reflected many traditional Judeo-Christian standards. Thomas Doherty articulates the religious ideology of the Production Code when he contends that it is a deeply Catholic text advocating for Catholic doctrine. Doherty elaborates this ideological assertion in the following: “The Code was no mere list of Thou-Shalt-Nots but a homily that sought to yoke Catholic doctrine to Hollywood formula: The guilty are punished, the virtuous are rewarded, the authority of church and state is legitimate, and the bonds of matrimony are sacred.”⁴⁰ In fact, even after the Production Code was formulated, there was noticeable cooperation between the PCA and the Catholic Legion of Decency. Joseph Breen, the head censor of the PCA, was appointed at least in part based on his connections with the Catholic Church and his sensitivity to concerns of the Legion of Decency.⁴¹ These alliances often manifested in the form of helpful advice from the PCA to film producers on film content that

³⁸ Kevin Sandler, “The Naked Truth: ‘Showgirls’ and the Fate of the X/NC-17 Rating,” *Cinema Journal* 40, no. 3 (2001): 69.

³⁹ Stanley, *The Celluloid Empire*, 187.

⁴⁰ Thomas Doherty, “The Code before ‘Da Vinci,’” *The Washington Post*, May 20, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/05/19/AR2006051901530.html>.

⁴¹ Lewis, *Hollywood v. Hard Core*, 99.

was not in violation of the Production Code but could bring boycotts or bans from the Legion of Decency. Although the true impact of the Catholic Church is difficult to determine, there are numerous indicators of Judeo-Christian ideology enacted through the industry's film regulation of content as detailed in the Production Code's section on "Particular Applications."

In addition to religious and state pressure, the Production Code and PCA were also impacted by early effects research of the time. As a response to this pressure, the MPPDA's Board of Directors convened to reaffirm the Production Code's dedication to establish and maintain the highest possible moral and artistic standards. An early catalyst to the Production Code's self-regulatory efforts resulted from Henry James Foreman's sensationalized summary of the Payne Fund's extensive scientific research on the effects of film reception among young audiences. In his conclusion, Foreman's calls the public, after coming face to face with the facts, to consider remedies and solutions to this "grave" situation where youth are being corrupted by cinema.⁴² Indeed, the results of the Payne Fund Studies especially the influence of motion pictures on children and the youth prompted significant response from the movie industry and advocacy groups especially the newly formed Legion of Decency.⁴³

More than just prompting stricter self-regulation to ward off external censorship, the Payne Fund effects research gives a glimpse into the way the film industry and researchers view or configure film audiences. Dr. W. W. Charters, the Chairman of the Committee on Educational Research of the Payne Fund, expresses apprehension for the powerful influence of motion

⁴² Henry James Foreman, *Our Movie Made Children*, (New York, N.Y.: The Macmillian Company, 1933), 283.

⁴³ Garth S. Jowett, Ian C. Jarvie, and Kathryn H. Fuller, *Children and the Movies: Media Influence and the Payne Fund Controversy*, (Cambridge: Cambridge University Press, 1996), 93-94.

pictures in affecting the information, attitudes, emotional experiences, and conduct of young audiences.⁴⁴ Although the Payne Fund researchers differed in their approaches, their collective conclusions reflect Charters' apprehension with the power of film being able to change in positive and negative ways a vulnerable audience. As a result, the Payne Fund researchers set the stage for the development of a media effects approach, which conceptualizes audiences as passive receivers of a media stimulus and susceptible to its intended effect.⁴⁵ In a like manner, the Production Code reflects the same fundamental principles about audiences in the "Preamble" and "General Principles" sections in order to justify the responsibility of the industry to self-regulate. Phillips contends that the Production Code operationalized many assumptions about the dangerous influence of films particularly film's potential to seduce audiences.⁴⁶ In essence, "the Code was formulated to contain this danger and protect audiences from the deleterious moral impact some films might have."⁴⁷ More than being an antiquated position, this enduring perspective of film audiences as being vulnerable to the medium is persistent even in the contemporary film rating system.

In a pivotal moment at the end of 1968, the film industry began to move away from content censorship practices of the Production Code to a new system of regulation based on ratings classification where films are categorized, based on content, into predetermined age appropriate ratings. This significant regulatory shift is marked by several key legislative actions. The most important one occurred in 1952 during the *Burstyn v. Wilson* court case—also known

⁴⁴ W. W. Charters, Introduction to *Our Movie Made Children*, viii.

⁴⁵ McLeod et al, "On Understanding and Misunderstanding," 236-37.

⁴⁶ Phillips, *Controversial Cinema*, 10.

⁴⁷ *Ibid.*, 11.

as the *Miracle* case named after Robert Rossellini's Italian film. The Supreme Court's decision significantly limited the authority of state censorship board by placing motion pictures within the scope of free speech as granted by the First Amendment.⁴⁸ As subsequent court cases affirmed, motion pictures were granted freedom of expression to all film content with the only exception being granted for obscenity claims. Over the next decade, the Supreme Court continued to extend its definition of obscenity to include a social value criterion, which further diminished the authority of state and local censorship boards.⁴⁹ As the first significant change in over four decades, the Court's decision laid the groundwork for reconsideration and reformation with the film industry especially concerning the status of film censorship.

In the wake of these legislative changes, the PCA and MPAA came under increasing scrutiny for its adherence to the rigid restrictions of the Production Code. Although the PCA had loosened its censorial grip on controversial film content since its inception, the Code constituted a clear hurdle to creative expression in the areas of sex, sexuality, nudity, language, and drugs. In 1966, under the guidance of the newly appointed MPAA president, Jack Valenti, a slew of controversial films tipped the scales toward regulatory reform. One film that is credited with landing the "final blow" to the MPAA's self-censorship is Mike Nichols' *Who's Afraid of Virginia Woolf?* (1966).⁵⁰ Through the creative efforts of director Mike Nichols and screenwriter Ernest Lehman, the film maintained most of the play's original sexual content and lurid language such as the expression "hump-the-hostess."⁵¹

⁴⁸ Lewis, *Hollywood v. Hard Core*, 97.

⁴⁹ Stanley, *The Celluloid Empire*, 204-08.

⁵⁰ Phillips, *Controversial Cinema*, 16.

⁵¹ Stanley, *The Celluloid Empire*, 216.

Even though the content clearly violated Code ethics, Warner Bros. studios worked closely with the MPAA to make sure the film passed. In response, the MPAA adopted a “Suggested for Mature Audiences” (SMA) label and applied it to the film as a way to approve and distribute the production without contradicting PCA requirements.⁵² The SMA label stipulated that no one under eighteen was allowed to view the film without a parent or legal guardian. In his discussion of the film, Gregory Black notes, “When Elizabeth Taylor and Richard Burton hit the screen screaming and tearing at each other with a hateful vengeance it was obvious that the movies had been changed forever. No longer were they going to be reigned in by codes.”⁵³ Such an obvious bypass of the Code prompted a degree of backlash aimed at the MPAA. A writer for the *Motion Picture Herald* openly scoffed at the permissiveness of the new label by stating, “Everything expressly prohibited in the Production Code apparently is to be approved, on way or another.”⁵⁴

As these thoughts circulated, the idea of reform gained momentum. Major religious, educational, and civic organizations advocated for a voluntary classification system.⁵⁵ Their argument determined that a classification regulatory system would aid parents, guarantee higher-quality films, and reduce government regulation.⁵⁶ However, opponents of classification, including former president of the MPAA Eric Johnston, compared the assignment of ratings to censorship. Johnston asserted, “We only get on solid ground when we consider the effects of

⁵² Vaughn, *Freedom and Entertainment*, 12.

⁵³ Gregory Black, *The Catholic Crusade Against the Movies, 1940-1975*, (New York: Cambridge University Press, 1997), 232.

⁵⁴ Leff and Simmons, *The Dame in the Kimono*, 264-65.

⁵⁵ Vaughn, *Freedom and Entertainment*, 13-14.

⁵⁶ Schumach, *The Face on the Cutting*, 256-57.

classification—any form of it. For here we see it for what it is: censorship, nothing more, nothing less.”⁵⁷

Although initially resistant to the change, the MPAA eventually folded under the pressure and collaborated with the National Association of Theatre Owners (NATO) to adopt a new rating system in November 1968, which replaced the PCA with a new Classification and Ratings Administration (CARA). The new rating system used the letter classification of G, M (later GP and PG), R, and X to indicate the maturity level of each film’s content. After implementing the new ratings system, the change was heralded by Jack Valenti as a revolutionary plan that redeemed the industry’s public responsibility. Valenti claimed the ratings systems core values were based on the freedom of choice, artistic excellence, and the important role of the parent to guide family conduct.⁵⁸

Based on previous iterations of film regulation, it is unsurprising that affirmations by the industry championing freedom of choice and artistic expression ultimately overlook the required balance within film regulation between responsibility and profitability as seen in earlier statements. Although this regulatory change is presented by the industry as progressive and liberating, there is evidence to suggest that age categories are able to dictate what is culturally appropriate or acceptable by restricting audience access to adult-only content through economic gatekeeping in the legitimate marketplace. In the following chapters, the concept of acceptability, access, and boundary maintenance will be explored, first, by analyzing the PG-13 movie rating and controversy surrounding this middle ground rating, and then by exploring the adult-only content of the NC-17 rating and the stigma associated with controversial content.

⁵⁷ *Ibid.*, 259. Also see <https://www.newspapers.com/newspage/19188363/> for a newspaper article addressing Johnston’s position dated 1961.

⁵⁸ Vaughn, *Freedom and Entertainment*, 15.

Chapter 1: The New Rating System and Responsible Entertainment

The purpose of this chapter is to explore the way the PG-13 rating perpetuates a standard of acceptability through its placement as a middle ground classification that occupies the sweet spot between controversy and profitability. In order to explore the concept of acceptability, the chapter begins with a closer look at the new rating system, the assignment of ratings by Classification and Rating Administration, and the industry's shift in regulation before moving to film controversies. In this way, through a careful examination of specific films as they navigate the rating system, the project can begin to dismantle industry rhetoric and provide critical interpretations on the productive influence of the MPAA's film regulation.

After the tenure of the Production Code, the 1968 rating system restructured the way the film industry regulated motion pictures. In moving to classification, the industry shifts its responsibility from all audiences to specifically young audiences who are susceptible to the influence of motion pictures without parental oversight. Such a focus is reminiscent of the Payne Fund Study and early effects research during the PCA era as well as echoed in the current "ratings creep" debate. However, the real impetus for an age-centric rating system originated in the courts. In *Ginsberg v. New York*, the topic of obscenity came under the purview of minors after a store was convicted of selling "girlie" magazines to a 16-year-old boy. The court's decision established a "legal distinction between the rights of adults and those of children by ruling that material constitutionally protected for adults could still be considered obscene for minors."⁵⁹ The court's decision translated into a precedent for the motion picture industry to differentiate between adult audiences and minors in terms of content regulation. In addition, the

⁵⁹ Farber, *The Movie Rating Game*, 14.

ruling galvanized the MPAA and NATO to work together in monitoring film attendance of young audiences in order to avoid potential lawsuits or government intervention.

On the same day as *Ginsberg v. New York*, another court case prompted the industry to move toward classification over other forms of regulation.⁶⁰ In the *Interstate Circuit v. Dallas* case, the motion picture distributor, Interstate Circuit, challenged the state of Texas' classification board's prohibition of the film *Viva Maria* (1965) as un-suitable for young persons because it contained objectionable instances of sexual promiscuity. The court concluded that the classification was unconstitutionally vague and, therefore, unenforceable. However, the decision "left the way clear for future attempts at classification by indicating that classification systems with more tightly-drawn standards *could* survive the application of constitutional tests."⁶¹ These court cases motivated the MPAA to adopt its own classification system before state and local classification boards proliferated causing uncertainty in film exhibition as evidenced during the pre-code era with state and local censorship boards.

Instead of following a moral code, films are now assigned by the CARA according to pre-determined age categories.⁶² In the original rating system, the categories consisted of G (suggested for general audiences), M (suggested for mature audiences), R (restricted for persons under 16 unless accompanied by parent or legal guardian), and X (under 16 not admitted/adult-only content). Overall, the ratings classify each film's content based on its level of maturity and appropriateness for young viewers. Although the ratings have changed and adapted since 1968, each reform has stayed true to CARA's original intent of informing parents through responsible

⁶⁰ Both cases were decided on April 22, 1968.

⁶¹ Farber, *The Movie Rating Game*, 14.

⁶² Sandler, *The Naked Truth*, 42.

ratings. Instead of presenting “harmless entertainment” to all audience during the PCA era, CARA now nurtures “responsible entertainment” that is geared toward parents for the benefit of young audiences. Jack Valenti characterizes this significant regulatory shift when he states: “The times, the mores, the kind of society we’re living in has undergone a cataclysmic change and we felt we had to show a concern for children and for parents and describe accurately the content of the films so parents will know what they’re taking their kids to see.”⁶³

Within the first two years of service, the rating system underwent several changes. The first change occurred in 1970 when the required age for R and X ratings was raised from 16 to 17 years old. By increasing the required attendance age, the industry was able to distinguish between adolescents and adults based on legal precedent.⁶⁴ The rating revision effectively sheltered the industry from legal accusations and appeased advocates for stricter regulatory standards. During 1971 and 1972, the MPAA also changed the M rating due to general confusion from parents on whether or not “mature audiences” included young children. The rating was renamed GP (for general audiences with parental guidance suggested) and finally shortened to the more concise and current PG rating (parental guidance suggested).⁶⁵ These revisions mark the flexibility of the rating system to adapt, at least in the early stages, to audience expectation. In fact, these moments and other rating revisions illustrate the interplay between audience and industry. As trade organizations, the MPAA and CARA work for the interests of the film industry to optimize

⁶³ Matthew Kennedy, *Roadshow! The Fall of Film Musicals in the 1960's*, (New York: Oxford University Press, 2014), 183.

⁶⁴ Peter Kramer, *The New Hollywood: From Bonnie and Clyde to Star Wars*, (New York: Columbia University Press, 2005), 49.

⁶⁵ Jane M. Friedman, “The Motion Picture Rating System of 1968: A Constitutional Analysis of Self-Regulation by the Film Industry,” *Columbia Law Review* 73, no. 2 (1973): 185-240, doi: 10.2307/1121227.

profitability while minimizing public controversy. Needless to say, the MPAA's goal to balance public opinion and support for the rating system is fundamentally tied to the industries success in the marketplace.

From an industry perspective, the change to classification embodies a freer form of film regulation. Such a freedom is founded in CARA's purpose in assigning ratings through classification and without value judgement. Official documents state that CARA's Rating Board "does not determine the content that may be included in motion pictures by filmmakers, nor does it evaluate the quality or social value of motion pictures. By issuing a rating, it seeks to inform parents of the level of certain content in a motion picture (violence, sex, drugs, language, thematic material, adult activities, etc.) that parents may deem inappropriate for viewing by their children."⁶⁶ In essence, CARA works to simply reflect parental standards through information about movie content. To this end, Richard Heffner, former chair of CARA, favored a ratings and appeals panel composed of parents and industry outsiders who could give "honest ratings judgement."⁶⁷

In order to ensure honest ratings, each member of CARA's rating board must be a parent without affiliation to the entertainment industry. Raters must have children between the ages of five and fifteen when they join CARA and must leave when all of their children reach the age of twenty-one. Overall, raters serve up to seven years at the discretion of the organization's chair. Raters are also tasked with reflecting the diverse standards of American parents through initial

⁶⁶ "Classification and Rating Rules," *Motion Picture Association of America*, January 1, 2010, accessed online May 1, 2016. http://filmratings.com/downloads/rating_rules.pdf

⁶⁷ Vaughn, *Freedom and Entertainment*, 28.

training and periodic reviews.⁶⁸ However, official documentation does not disclose how the organization determines the standards of American parents. Perhaps the pre-requisite of being a parent with young children helps them assume an accurate judgement. In any case, Jack Valenti praises the system as a liberating approach to regulation that assures freedom of the screen without censorial intervention.⁶⁹ These praises center on the shift in regulation from restricting film content before production to classifying content after production. Doherty contends, “Hollywood traded up” by “exchanging its custodial stewardship and presumptive universality for greater screen freedom and continued market domination.”⁷⁰ Although the MPAA and CARA advocate for the efficacy of the rating system, certain industry members are not convinced.

In the documentary *This Film Is Not Yet Rated* (2006), Kirby Dick explores many of the prevailing criticisms against the current rating system. In doing so, he analyzes industry rhetoric on the alleged “freedom” of the screen for filmmakers and viewers. He begins by juxtaposing heterosexual and homosexual sex scenes that received different ratings. The scenes in question critique CARA’s treatment of controversial content as inherently biased with homosexual scenes receiving the more restrictive NC-17 rating over heterosexual ones. Although the scene-by-scene comparison is compelling, Sandler cautions against premature evaluations. Film ratings are based on the cumulative explicitness of the film not the content of a specific scene. As a result, through his own analysis, Sandler concludes that the MPAA ratings do not discriminate against

⁶⁸ “Classification and Rating Rules,” *Motion Picture Association of America*, January 1, 2010, accessed online May 1, 2016. http://filmratings.com/downloads/rating_rules.pdf

⁶⁹ Sandler, *The Naked Truth*, 43.

⁷⁰ Thomas Doherty, *Hollywood’s Censor: Joseph I. Breen and the Production Code Administration*, (New York: Columbia University Press, 2007) 335.

homosexual sex scenes instead misconceptions arise through the combination of “hype, mistruths, and vagaries” between industry members, the press, and the public.⁷¹ Nevertheless, Sandler suggests that “for CARA responsible entertainment still retains some of the same puritanical and moralist elements pertaining to sexuality that harmless entertainment had under the PCA” leaving the door open for more analysis.⁷²

Dick continues by examining controversial scenes and films through in-depth interviews with each film’s producers, directors, and actors. The interviews suggest an inconsistency in rating assignment as well as preferential treatment toward major studios over independent studios and violent content over sexual content. For Dick these inconsistencies and the overall lack of transparency in the rating system compels him to hire the assistance of a private investigator in order to reveal the names of CARA raters. In this way, he finds that not all of the raters are parents as CARA claims. Although the film industry largely denies any bias in the ratings and defends the anonymity of movie raters and their position within the organization, Dick’s argument adds credibility to a closer investigation of the rating system and the motivations behind self-regulation. What appears on the surface as progress may be the past in a new package.

Although classification is a step in the right direction, the industry’s optimistic perspective fails to address the concept of access and the prevailing standards of acceptability in the assignment of ratings. In other words, the way the MPAA effectively controls “entryway and participation into the legitimate theatrical marketplace” by defining what is appropriate for specific audiences.⁷³ Far from being a cure all, the ratings system struggles to balance the same

⁷¹ Sandler, *The Naked Truth*, 159-161.

⁷² *Ibid*, 162.

⁷³ *Ibid*, 43.

tension between responsibility and profitability under the guise of unfettered regulatory freedom. In order to explore the ways this tension is enacted, this project turns to discourse and controversy surrounding the introduction of the PG-13 rating and CARA's assignment of ratings based on what is appropriate for young viewers or ultimately what is acceptable for the majority of parents.

The PG-13 Movie Rating and Cultural Acceptability

During the rise of the summer blockbuster and the cinematic magic of Steven Spielberg and George Lucas, two films raised the ire of parents and advocacy groups across the nation for their graphic and objectionable content. The first film *Indiana Jones and the Temple of Doom* (1984) generated significant criticism from critics and parent groups alike for its dark fixation and disturbing images. The film effectively exposed the nebulous gap between the PG and R ratings where infants all the way up to 17 year olds were lumped into the same category. As early as 1976, Richard Heffner pointed to the need for a new "middle rating" to address the vast age gap between high school students and preteens.⁷⁴ He urged the MPAA to add a restricted rating called "R-13" that requires preteens to be accompanied by an adult. However, Jack Valenti, president of the MPAA at that time, resisted the change until 1984 when public outcry demanded a ratings revision. The catalyst for this change began with the promotion of *Indiana Jones and the Temple of Doom* as a family friendly film. The reviews published on the film's poster (fig. 1) described the picture as "entertainment for all ages" and "Suitable for kids? Of course it is!" These statements did nothing to warn parents about the more questionable content

⁷⁴ Vaughn, *Freedom and Entertainment*, 50.

or dark focus of the film. Instead, the poster reinforced CARA's classification of the film as PG, typical of family friendly fare.



Figure 1: Indiana Jones Poster Art

During the course of the film, parents and children were subjected to nearly two hours of “monkey brain buffets, child beatings, people falling into rock crushers, and of course, the infamous sacrifice scene where an evil sorcerer reaches into a guy’s chest, pulls out his beating heart, and then lowers the screaming victim into a lava pit.”⁷⁵ These factors led many parents to complain to theater managers and the ratings board about mortified children and lax rating

⁷⁵ Nolan Moore, “How Did ‘Temple of Doom’ Help Create the PG-13 Rating?,” *ScreenPrism*, June 10, 2015. <http://screenprism.com/insights/article/how-did-temple-of-doom-help-create-the-pg-13-rating>.

standards.⁷⁶ In addition to parents, critics also found the films overwhelmingly dark premise undesirable. Even Steven Spielberg, the director of the film, retroactively considered *Temple of Doom* “too dark, too subterranean, and much too horrific.”⁷⁷ However, at the time, Spielberg did not think the film warranted the restrictive R rating. He states, “Everybody was screaming, screaming, screaming that it should have had an R-rating, and I didn’t agree.”⁷⁸ Many viewers found the human heart scene way too graphic for younger children and protested the lack of parental guidance by the industry. However, the film remained PG and continued to draw crowds even with the public outcry against its questionable content.

In fact, the entire debate concerning the gap between the PG and R rating may have faded from public memory if not for the subsequent release of *Gremlins* (1984) just two weeks after *Temple of Doom*. The horror-comedy directed by Joe Dante and produced by Steven Spielberg again lulled parents into a false sense of family friendly fare. *Gremlins* early promotional material, particularly the first official trailers, focused heavily on the friendly and adorable Gizmo instead of the evil and dangerous gremlin clones. In addition, the promos deliberately imitated the color and style of the earlier film titled *E.T. the Extra-Terrestrial* (1982) in order to draw viewers based on Spielberg’s producer credit.⁷⁹ These associations prompted parents to accept *Gremlins* PG rating without trepidation. According to Dante, people thought they were taking their

⁷⁶ “PG-13 at 20: How ‘Indiana’ Remade Films,” *Associated Press*, August 23, 2004. http://www.today.com/id/5798549/ns/today-today_entertainment/t/pg--how-indiana-remade-films/#.VyT45PkrKM9.

⁷⁷ Damon Carter, “In Defence of... Indiana Jones and the Temple of Doom,” *HopeLies.com*, April 22, 2012. <http://hopelies.com/2012/04/22/in-defence-of-indiana-jones-and-the-temple-of-doom/>.

⁷⁸ Associated Press, “PG-13 at 20.”

⁷⁹ Nolan Moore, “How Did ‘Temple of Doom.’”

young kids to see a “cuddly, funny animal movie and then seeing that it turns into a horror picture, I think people were upset. They felt like they had been sold something family friendly and it wasn't entirely family friendly.”⁸⁰ Most of the complaints and public outcry centered on the gruesome yet green-blooded deaths of the gremlins by Billy Peltzer’s mom (Frances Lee McCain) with a food processor and microwave. As a result, a new torrent of complaints flooded theater managers and the MPAA that questioned the viability of the ratings. Audiences had finally had enough. They wanted change.

Consequently, Steven Spielberg, the creative mind behind *Poltergeist*, *Temple of Doom*, and *Gremlins* (1984), took responsibility and became the public’s spokesperson. He contacted Jack Valenti as a close friend and pitched the idea of including PG-13 or PG-14 as a rating for future films like *Temple of Doom* and *Gremlins*. Although Heffner proposed similar ideas years before, Spielberg’s timely intervention and unrestricted rating idea appealed to Valenti. After conferring with NATO and other industry groups, the MPAA officially introduced the PG-13 into the rating system. Valenti cites two reasons for choosing the 13 instead of 14 age rating. First, he points to 13 years old as the general age when kids begin to understand the difference between fantasy and reality. Second, he references child behavioral experts to emphasize the fact that all kids are different, and even with a specific age category parents must make judgments for their children.⁸¹ Although contradictory Valenti’s statements hold true to the rhetoric of the industry. The ratings are visible representations, not definitive rules, of film content based on

⁸⁰ Associated Press, “PG-13 at 20.”

⁸¹ Anthony Breznican, “PG-13 Remade Hollywood Rating System,” *Associated Press*, August 23, 2004. <http://www.seattlepi.com/ae/movies/article/PG-13-remade-Hollywood-ratings-system-1152332.php>.

standards of acceptability. Ultimately, it is up to the parent or guardian to decide whether certain content is appropriate for their child.

The introduction of the PG-13 movie rating significantly changed the landscape of the movie industry by creating a unified and enduring middle ground between industry responsibility and profitability. In other words, the PG-13 rating assumed an industry desired sweet spot by appealing to the broadest possible audience while at the same time appeasing many moral and cultural activists. In effect, the rating “ensures the widest possible accessibility while maintaining public credibility.”⁸² Borrowing from Sandler’s notion of “responsible entertainment,” the film industry fulfilled its self-proclaimed obligation to culture to promote freedom while simultaneously harnessing responsibility through age restrictions.⁸³

Parents and Media Activism

In keeping with their self-imposed cultural obligations, the MPAA also shared, even transplanted, some of the responsibility to parents in order to defend regulatory intervention without acceding to censorship. For the industry, the sharing of responsibility with parents works even though it is not a perfect system. Several activist groups like Parents Television Council (PTC), Common Sense Media, and Screen It, call for more rating information and regulatory restrictions. Lori Pearson, a critic for the Kids-In-Mind ratings website, questions the overall transparency and constancy of the rating system. She argues, “If the MPAA rating system isn’t consistent, it’s not a useful tool anymore. It’s so private in its methods, and so closely tied to the

⁸² Kia Afra, “PG-13, Ratings Creep, and the Legacy of Screen Violence: The MPAA Responds to the FTC’s ‘Marketing Violent Entertainment to Children’ (2000-2009),” *Cinema Journal* 55, no. 3 (2016): 64.

⁸³ Sandler, *The Naked Truth*, 46.

moneymakers they're rating, how can you not doubt them?"⁸⁴ Although largely unsubstantiated, comments like Lori's stem from a trend that calls for regulatory reform and more accountability from the rating system. In a similar manner, the PTC conducts research on the effectiveness of television and movie ratings as an additional resource for parents. According to their official website, the organizations mission is "to protect children and families from graphic sex, violence and profanity in the media, because of their proven long-term harmful effects."⁸⁵ Based on the organization's findings, film and television ratings are alarmingly inconsistent and inaccurate. The organization especially advocates against the increase in violent content in generally acceptable rating categories.⁸⁶

Based on the outdated, yet often cited, Kids Risk Project conducted by researchers at the Harvard School of Public Health, these advocacy groups lament a "ratings creep" where current movie ratings allow more violence, sex, and profanity than a decade ago.⁸⁷ An updated study conducted by Ron Leone and Laurie Barowski find a ratings creep evident in the PG-13 rating particularly in the treatment of violence. The study found escalating patterns of violence in the PG-13 rating category from 1988 to 2006 compared to consistent patterns of sex, language, and

⁸⁴ Michael Phillips, "'Love Is Strange' MPAA Rating Controversy," *Chicago Tribune*, August 28, 2014. <http://www.chicagotribune.com/entertainment/ct-talking-pictures-mpaa-ratings-20140828-column.html>

⁸⁵ "The PTC Mission," *Parents Television Council*, accessed April 4, 2017. <http://w2.parentstv.org/main/About/mission.aspx>.

⁸⁶ Tim Kenneally, "Parents Television Council Blasts TV, Movie Industries Over Ratings Systems," *The Wrap*, January 8, 2014. <https://www.thewrap.com/parents-television-council-blasts-tv-movie-industries-ratings-systems/>.

⁸⁷ "Study Finds 'Ratings Creep': Movie Ratings Categories Contain More Violence, Sex, Profanity than Decade Ago," *Harvard School of Public Health*, July 13, 2004. <http://archive.sph.harvard.edu/press-releases/archives/2004-releases/press07132004.html>.

drug use during the same period. In their discussion section, they conclude, “CARA appears to treat sexual content more strictly than potentially more damaging violent content.”⁸⁸

The MPAA and CARA are quick to point out that these changes are merely a reflection of parental values, which could point to a larger cultural sensitivity to sex and sexuality. Other positions have pointed to legislative actions that differentiate the MPAA from other film regulatory systems. These positions point out the presences of obscenity laws and indecency standards for minors that have no parallel regulation or penalty for violent content as factors in the ratings creep. So far, the discussion is open to interpretation with few definitive answers. Because of the popularity of these studies, Jim Steyer, founder and CEO of Common Sense, collaborated with Disney to promote The Common Sense Seal in an effort to inspire “studios to create more films that kids and parents can enjoy together” with “positive role models and messages.”⁸⁹

Far from being a universal sentiment, other parents and activists support the transfer of responsibility to the familial unit. One author admonishes parents to step up and take responsibility: “If your child is moving toward wanting to see PG-13 movies, you still need to be the P in the PG. Be the parent. That isn’t the MPAA’s job.”⁹⁰ According to the MPAA official website, movie ratings constantly evolve with the times to help inform parents, but, most importantly, CARA assigns ratings “they believe the majority of American parents would give a

⁸⁸ Ron Leone and Laurie Barowski, “MPAA Ratings Creep: A Longitudinal Analysis of the PG-13 Rating Category in US Movies,” *Journal of Children and Media* 5, no. 1 (2011): 64.

⁸⁹ “Common Sense Media Announces the Common Sense Seal and Inaugural Recipient, Disney’s Alexander and the Terrible, Horrible, No Good, Very Bad Day,” *CommonSense*, October 5, 2014. <https://www.common sense media.org/about-us/news/press-releases/common-sense-media-announces-the-common-sense-seal-and-inaugural>.

⁹⁰ Dresden Shumaker, “Parents’ Beef with the MPAA Rating System: Is it Time for an Update?,” *babble*, October 16, 2014. <http://www.babble.com/entertainment/parents-mpaa-rating-system/>.

movie.”⁹¹ In other words, the MPAA is deflecting responsibility back onto society as the reference point for each ratings decision. And for the most part, it works. With the PG-13 movie rating, moral responsibility is shared to such a degree that the industry’s self-imposed regulation no longer holds the center of attention.

Assigning Acceptability

From an industrial perspective, the introduction of the PG-13 rating struck a balance between profitability and responsibility in a way that no other movie rating could despite the slight push back from certain interest groups. In essence, the PG-13 rating is a money sweet spot. The overall success of the category is seen in the sheer number of films that are specifically tailored to fit the classification. Nearly half of all films produced every year acquire a PG-13 rating.⁹² These numbers are no accident. The PG-13 rating consistently scores big at the box office by drawing mass audiences and capturing six out of the top ten highest grossing domestic movies of all time including notable titles such as *Star Wars the Force Awakens* (2015), *Avatar* (2009), and *Titanic* (1997).⁹³ According to the MPAA’s “2015 Theatrical Market Statistics,” PG-13 films

⁹¹ “Understanding the Film Ratings,” *MPAA*, Accessed April 30, 2016. <http://www.mpa.org/film-ratings/>.

⁹² Cecilia Kang, “The Violent ‘Taken’ Movies Are Rated PG-13. Do Ratings Make Sense Anymore?,” *Washington Post*, October 20, 2014, <https://www.washingtonpost.com/news/wonk/wp/2014/10/20/why-the-pg-13-movie-rating-has-grown-increasingly-meaningless/>.

⁹³ “All Time Box Office: Domestic Grosses by MPAA Rating,” *BoxOfficeMojo*, April 4, 2016, <http://www.boxofficemojo.com/alltime/domestic/mpaa.htm?page=PG-13&p=.htm>.

captured 12 of the top 25 films in release during 2015, more than any other rating.⁹⁴ Moreover, four out of the top five box office earning films of 2015 were rated PG-13. The goal of reaching the widest and most active viewing population invites filmmakers to tailor films according to CARA's rating standards. In this way, films are fashioned to be acceptable to the majority of parents according to dominant cultural trends.

With its mass appeal and solid profitability, the PG-13 rating has the potential to be active and productive in creating and maintaining cultural standards rather than merely reflecting them. Such an idea relates back to the original rationale for industry self-regulation in the PCA era and continues to endure through media effects research and research on the ratings creep. In addition, the PG-13 rating has the potential to reify the status quo through its treatment of film content as a rigid, instead of flexible, reflection of social norms. Although not as restrictive or immutable as the Production Code, conservative themes are implicitly enforced through age appropriate standards of sex, violence, and language. In effect, the PG-13 rating incentivizes studios to manipulate film content in order to gain the more advantageous rating. During the 1970s, filmmakers thought the PG and R ratings were the most marketable categories because they reached the widest audience and added just the right amount of controversy. In contrast, the G rating was too mild and tame for most audiences giving the rating what Valenti termed a "kiss of death" for many filmmakers.⁹⁵ In this climate, the PG-13 becomes the perfect compromise as an intermediate rating for filmmakers to reach all audiences without causing too much controversy.

⁹⁴ "2015 Theatrical Market Statistics," MPAA, Accessed March 13, 2017 (pg. 20) http://www.mpa.org/wp-content/uploads/2016/04/MPAA-Theatrical-Market-Statistics-2015_Final.pdf.

⁹⁵ Vaughn, *Freedom and Entertainment*, 52.

In this way, films are intentionally groomed during production to eliminate sexual nudity, encourage animated instead of realistic violence, and limit the amount of foul language in order to receive the profitable and largely acceptable PG-13 rating. These standards are briefly outlined in CARA's "Ratings and Classifications Rule" public document. According to the PG-13 rating classification, any drug use initially requires the PG-13 rating as well as brief nudity though generally not sexually oriented.⁹⁶ Depictions of violence are allowed but generally not both realistic and extreme or persistent. In addition, a single use of a harsher sexually derived word as an expletive requires a PG-13 rating, but more than one expletive requires an R rating.⁹⁷ CARA's treatment of explicit language is termed the automatic language rule. In other words, one use of a forbidden word automatically requires a PG-13 instead of what was once regulated to the restricted category. The shift encourages some filmmakers to add an expletive in order to gain the cautionary PG-13 rating for marketing or contractual reasons. What was once grounds for an R-rating in the use of explicit language is now within the domain of the PG-13 rating.

One film that rises to the forefront in the rating's debate on the automatic language rule is Weinstein Company's documentary *Bully* (2011). The documentary takes an honest look at the bullying crisis in American schools by following the lives of five students who were victims of bullying. The film incited controversy when the film was originally rated R according to the standards listed above for explicit language. In an NPR interview with Neal Conan, Harvey Weinstein discusses CARA's grounds for assigning the R rating. He states, "The scene in question was the scene where Alex Libby . . . gets bullied. And there are three uses of the F-word in

⁹⁶ "Classification and Rating Rules," *Motion Picture Association of America*, January 1, 2010. Accessed online May 1, 2016, 7. http://filmratings.com/downloads/rating_rules.pdf.

⁹⁷ *Ibid.*, 8.

that scene. Normally, you're only allowed one F for a PG-13. We would not edit that scene at all. There were three other uses of the F-word, and so there were six in total."⁹⁸ Six expletives was more than enough for CARA to assign the restricted rating; however, the Weinstein Company and members of the Bully Police USA found the rating too harsh for the film's context and potential positive impact on youth across the nation.

As a result, the Weinstein Company appealed the rating but lost, by one vote, the required two-thirds majority needed to overturn the initial rating.⁹⁹ Because of their unwillingness to compromise the scene, the Weinstein Company surrendered CARA's R rating and released the film to six theaters as unrated. Such a move put theater owners in a difficult position. Some theaters allowed children to see the movie if they had a permission note from their parents; while others treated the film as restricted for children with or without a parent or legal guardian. During this time, public attention began to center on the film as the ratings controversy surrounding the motion picture grew. During her nationally broadcasted show, Ellen DeGeneres discussed the film at length and advocated for a rating revision. She appealed to the fact that "it's an important movie for everyone to see – especially kids. The problem is, they've given the movie an R rating." In focusing on the positive impact of the film despite its use of explicit

⁹⁸ "Harvey Weinstein on How 'Bully' Got Its PG-13 Rating," *National Program Radio*, April 16, 2012. <http://www.npr.org/2012/04/16/150732906/the-ratings-controversy-surrounding-bully>.

⁹⁹ Richard Corliss, "Bully Re-rated: 'R' Doc Cuts a Few 'F's, Gets a 'PG-13,'" *Time*, April 06, 2012. <http://entertainment.time.com/2012/04/06/bully-re-rated-r-doc-cuts-a-few-fs-gets-a-pg-13/>

language, she argues, “You can’t show R rated movies in schools – and that’s exactly where the movie needs to be shown. So I think it’s important for the movie to be rated PG-13.”¹⁰⁰

Along the same lines, Katy Butler, another major advocacy proponent, made waves when she created a petition on change.org to re-rate *Bully* from R to the more accessible PG-13. As a Michigan high school student, Katy appeals to her own experience as a victim of school bullying that left her with a broken finger and painful feelings of being alone and afraid.¹⁰¹ On the petition page, she encourages viewers to think of the 13 million kids who will be bullied each year and how they could benefit from seeing the film. Her argument gained support and momentum as the controversy spread. All told, her petition was a success garnering 521,531 signatures and gaining support from organizations like the National Center for Learning Disabilities.¹⁰²

Under these circumstances, the need for change was palpable. However, it was not until the Weinstein Company agreed to edit three uses of the F-word from the film that the MPAA and CARA decided to grant the unrestricted PG-13 rating to the film. Both parties presented the compromise as a victory. Joan Graves, head of the rating board, compared *Bully*’s revision and subsequent ratings change as the ratings system working exactly as it is supposed to, through negotiation, in order to find an acceptable rating for audiences.¹⁰³ In a like manner, Harvey Weinstein found the editing of the language a minor revision that worked through negotiation. He

¹⁰⁰ Joshua Weinstein, “Ellen DeGeneres: ‘Bully’ Movie ‘Can Save Lives,’ Should Be Rated PG-13,” *The Wrap*, March 7, 2012. <http://www.thewrap.com/ellen-degeneres-bully-movie-can-save-lives-should-be-rated-pg-13-36045/>.

¹⁰¹ Katy Butler, “MPAA: Don’t let the bullies win! Give ‘Bully’ a PG-13 instead of an R rating!” *Change.org*, accessed March 10, 2017. <https://www.change.org/p/mpaa-don-t-let-the-bullies-win-give-bully-a-pg-13-instead-of-an-r-rating>.

¹⁰² *Ibid.*

¹⁰³ Corliss, “*Bully* Re-rated.”

characterized the process as a “compromise” that “changed the rules, basically, for the MPAA” as a “quality and qualitative decision” that “won the day.”¹⁰⁴

For the Weinstein Company, a win was cause for celebration. Just months before *Bully* hit the big screen, another film fell under the spotlight of rating controversy for its use of language. *The King’s Speech* (2010), which won an Oscar for Best Picture, details an inspiring depiction of King George VI and his ability to overcome a stuttering speech impediment. The otherwise inoffensive drama adds, in one brief outburst, a dozen *F* words from the lips of the main character King George VI (played by Colin Firth). The outburst occurs during a pivotal moment when Firth, as the royal heir, is encouraged to swear profusely by his speech therapist in order temporarily overcome his disability. The scene is brief, with no evident crude or lurid undertone; however, the numerous expletives guaranteed a restricted rating based on CARA’s classification guidelines. True to form, *The King’s Speech* received an R rating for “some language.”¹⁰⁵ Although largely anticipated, the rating seemed overly strict to many within the industry and among the public especially when the CARA’s R rating is compared to the rating assigned by the Canadian classification system, which allows anyone over the age of 13 to view the film.

Despite the restricted rating, *The King’s Speech* did well at the box office opening weekend and won numerous awards at the Oscars. What could have been a flop instead worked for most critics and adult viewers. However, the loss of a larger audience segment prompted the Weinstein Company to create an amended version that eliminates all but one whispered F-word and instead relies on the less offensive and unrestricted “shit” curse word to convey the scene’s

¹⁰⁴ “Harvey Weinstein on How,” *NPR*.

¹⁰⁵ Rating descriptions taken from CARA’s official website www.filmratings.com

meaning. Because of the revision, the edited version of *The King's Speech* received a PG-13 rating for "language." Colin Firth found the commercially inspired revision subpar. He told reporters, "I don't support it. I think the film has integrity as it stands. I think that scene belongs where it is. I think it serves a purpose."¹⁰⁶ In this instance, there was no negotiation between the Weinstein Company and CARA or the MPAA, no "win" as Weinstein found during *Bully*. Instead, we find one example where CARA's rating assignment acts as a malleable guideline that public controversy and insider negotiations can shape, and another example, where CARA's automatic language rule is rigid and unyielding. What appears contradictory, in fact, gives insight into the precarious position that CARA and the MPAA occupies.

The benefit of having an automatic language rule is to assist in the assignment of movie ratings. In theory, the rule is hard and fast: more than one use of the F word requires an R rating. Filmmakers can circumvent these restrictions through subtle changes, but overall the rule remains the same for consistency reasons. However, CARA works from the premise that the ratings and the Rating Board reflect parental standards as they transition. In other words, the rules are not fixed because they must be flexible enough to reflect cultural standards. On CARA's webpage, Joan Graves explains the movie ratings as a "system that is built to evolve since it's administered by a board of parents who are reacting to the current parental outlooks."¹⁰⁷ Nevertheless, the change is not immediate: "not day to day, not even week to week,

¹⁰⁶ Richard Corliss, "The Family-Friendly Version of *The King's Speech*: No F Words Allowed," *Time*, April 04, 2011. <http://entertainment.time.com/2011/04/04/the-family-friendly-version-of-the-kings-speech/>.

¹⁰⁷ Transcribed from an embedded video on CARA's official website under the link "Who: About Us." <http://www.filmratings.com/who.html>.

maybe not even year to year, but certainly in decades it has.” Therefore, rating rules persist until the need for change is imminent.

In addition, CARA holds firmly to the position that ratings do not provide quality judgments. The MPAA’s official document clearly states, “The Rating Board does not determine the content that may be included in motion pictures by filmmakers, nor does it evaluate the quality or social value of motion pictures.”¹⁰⁸ Instead, ratings are decided based on the level of content of the entire film from a parental perspective. In the context of *Bully*, the Ratings Board seems to take the *context* of the film into consideration. Out of the total expletives, three F words could be removed without compromising the integrity of the scene. However, the three F words that are used on the bus when another student threatens Alex Libby are unscripted and in one take. Editing these sexually explicit words out of the dialogue would change the entire scene. In a similar manner, *The King’s Speech* followed a similar format with one scene that included multiple F words. However, the film script could be edited in order to circumvent the automatic language rule by using curse words that were not sexually focused. The distinction is significant. Context played into CARA’s assignment in this case.

To round out the discussion on the automatic language rule, a final example of language controversy is added. *Philomena* (2013), also produced by the Weinstein Company, explores the story of an ex-nun (Judi Dench) who, with the help of a journalist, searches for her long lost son. The film uses two F words as expletives, in other words, one too many for CARA’s standards, and was initially rated R. As usual, the Weinstein Company disliked the rating and wanted to increase the potential market for the film. For this reason, the studio appealed the rating based on

¹⁰⁸ “Classification and Rating Rules,” *Motion Picture Association of America*, January 1, 2010. Accessed online May 1, 2016, 1. http://filmratings.com/downloads/rating_rules.pdf.

the grounds that the context of the film and its subject matter does not warrant a restricted rating. During an interview with CBS, Harvey Weinstein argues that despite the two F words *Philomena* is “like *The King’s Speech*” with a gentle, wonderful true story. In referring to the MPAA, he states, “They should just put PG-13 strong language on this and make an exception.”¹⁰⁹

The studio’s appeal was aided by a clever campaign video that circulated a week before the appeal was reviewed. In the short clip, Judi Dench reprises her role as the legendary 007 spymaster M who is enlisted by Harvey Weinstein to send co-star, Steve Coogan, on a mission to Los Angeles. Coogan is supposed to have a word with the MPAA about *Philomena*’s rating. The clip begins with Dench’s back to the camera as she sits behind an office desk. As the music builds and the camera tracks in, Dench swivels around and states, “Just when you thought I was dead.” The line cleverly refers to the character M’s supposed death at the end of *Skyfall* (2012). Next, the clip cuts to a black screen with a large letter “M” fore fronted, which becomes incorporated into the title of the film spelling, *Philomena*. The clever video circulated and made waves giving the film a certain amount of momentum.

In this instance, the appeal won, overturning the initial R rating and granting the movie a PG-13 rating for “some language, thematic elements and sexual references.” Director Stephen Frears celebrated the successful appeal. He states, “We felt the MPAA had made the wrong decision in handing the film [*Philomena*], which has no violence or lewd material and the bare minimum of adult language, an R rating. I am overjoyed they’ve changed their ruling in order to give families like mine an opportunity to see this film together. Now we can let the whole world see

¹⁰⁹ Andrew Pulver, “Judi Dench brings M back from Dead to Help *Philomena* Ratings Appeal,” *The Guardian*, November 8, 2013. <https://www.theguardian.com/film/2013/nov/08/philomena-judi-dench-m-james-bond-ratings-appeal>.

it.”¹¹⁰ The lower rating opened up a new audience demographic without restriction that as Frears mentions encompasses practically “the whole world.” Frears’ words capture the mass appeal and desirability of the PG-13 rating in reaching audiences. As the forerunner of the rating system, it must be evaluated based on its influence in not only young viewers, but every film viewer. In effect, the PG-13 carves out a space for “acceptable” content that then saturates the market.

As these examples show, the rating system has a difficult task to accomplish in reflecting an audience and representing an industry. Along the way, lines are drawn and rules are amended; however, the PG-13 rating holds true as a desirable middle ground that draws all kinds of audiences. From a critical perspective, CARA’s standards of rating film and film content are questionable. In attempting to move away from the content regulation of the past, the current rating system effectively promotes cultural responsibility by reiterating dominant standards of society. In combining profitability with acceptability, ratings fundamentally reinforce the same conservative ideology of the past where sex, violence, and language are limited if not outright censored. Although the industry no longer dictates what content can and cannot be shown in films, rating assignments equate what is profitable with what is culturally and morally acceptable. Although some films are able to make concessions to CARA’s rules, like the previously mentioned examples, the ratings are overall resistant to change. Until parental cries for revision are loud enough, the ratings will continue to promote the long-term interests and stability of the film industry.

In order to maintain the profitability of the PG-13 rating, certain content is implicitly restricted from the rating. Joan Graves, head of CARA, defends the validity and popularity of the PG-13 rating by pointing to its ability to reflect what the majority of parents feel is appropriate

¹¹⁰ “15 Times the MPAA Got It Wrong,” *IndieWire*, October 7, 2014. <http://www.indiewire.com/2014/10/15-times-the-mpaa-got-it-wrong-69310/>.

concerning sex, violence, and language for their children.¹¹¹ But these “reflections” are not entirely unbiased. Although the PG-13 rating is supposed to mirror the values and morals of many American parents, there is little evidence of active dialogue or communication between the industry and the public except through moments of controversy. Instead, the industry preemptively defines what is appropriate based on what has worked in the past in a manner that continues the legacy of the PCA. In this way, *everyone*, not just younger audiences, is flooded by PG-13 film productions that incorporate conservative standards to limit parental resistance and ensure box office success.¹¹²

Moreover, research on the ratings creep suggests that these standards can be productive in affecting young audiences in potentially harmful and damaging ways. Leone and Barowski find that the PG-13 rating allows filmmakers to make very violent film available to children of any age because of its general acceptability.¹¹³ The effect of such exposure can cause negative behavioral consequences in young audience members. For parents this is an alarming trend. However, Joan Graves argues, “the criticism of our system is not coming from the parents, who are the people we’re doing this for.”¹¹⁴ To defend this statement, the trade organizations relies heavily on a poll that shows that the majority of parents find the rating system to be very or fairly

¹¹¹ Josh Rottenberg, “Will the MPAA Ever Get the Ratings Right?,” *Entertainment Weekly*, November 23, 2013. <http://www.ew.com/article/2013/11/23/mpaa-philomena-dench>.

¹¹² Afra, “PG-13, Ratings Creep,” 54-55.

¹¹³ Leone and Barowski, “MPAA Ratings Creep,” 64.

¹¹⁴ “MPAA Defends Ratings System,” *Entertainment Weekly* (Associated Press), November 14, 2013. <http://ew.com/article/2013/11/14/mpaa-ratings/>.

useful.¹¹⁵ The notion that ratings can shift to include more representations of violence while maintaining the same level of sexual content, without a change in classification rules, hints at the subjectivity of ideological influence whether from the Ratings Board and the industry members or from social trends. If the shift in content is a true reflection of society, then the rating system effectively reifies the status quo by reflecting cultural standards that encourage higher levels of violence in PG-13 films. If not, the rating system produces an ideology through rating assignments on the acceptable treatment of violence, sex, and language for young viewers. In either case, the results are wanting.

Instead of empowering filmmakers or audiences to engage in adult themes and controversial topics, creative expression is stifled and watered down to appeal to the widest possible audience because it profits the industry. Contrary to MPAA statements, creative freedom and freer viewing choice are not in this instance fostered. Instead, film audiences are encouraged to view and consume the thriving, easily digestible, culturally “acceptable” content of PG-13 films, which affect everyone, not just young audiences.¹¹⁶ In this way, the creation of acceptability through the PG-13 rating is diffuse and complex tied to areas of controversy and moments of parental activism. When analyzed in relation to the MPAA’s control of the mainstream marketplace and audience access to film productions, the concept of acceptability takes on entirely different proportions.

¹¹⁵ Information taken from CARA’s official website under the title “Why: History of Ratings.” <http://filmratings.com/why.html>.

¹¹⁶ Sandler, *The Naked Truth*, 44.

Chapter 2: The NC-17 Rating and Boundary Maintenance

In contrast to the PG-13's creation of mainstream acceptability, the adults-only category pushes the boundaries of what is acceptable by addressing content that is controversial and often explicit. In the 1968 rating system, adult-only content is categorized by the X rating, which prevents anyone 16 years old or younger (later amended to 17) from viewing the film. The addition of an adults-only category was *not* a part of the original rating system. In fact, Valenti initially proposed only three ratings, consisting of G, M, and R. In an early article posted on the MPAA's website, Valenti states, "Our original plan had been to use only three rating categories. It was my view that parents ought to be able to accompany their children to any movie the parents choose, without the movie industry or the government or self-appointed groups interfering with their rights."¹¹⁷ In other words, Valenti wanted to maintain a parent-oriented focus by transferring all of the responsibility onto parents. However, his ideas were much harder to put into practice especially with mounting concern and pressure from industry members.

Before the rating system was introduced, many independent distributors "lobbied against exhibitors playing only films with MPAA ratings."¹¹⁸ They argued that films meant for adult audiences would not fit into the new rating system, thereby, potentially blocking access to mainstream markets. Moreover, the cost of submitting a film to the ratings board hampered studios with low budgets, which brought up discussions about artistic rights and infringement policies. The idea that adult-only films would not be a part of the rating system or that they would become part of the peripheral market moved many distributors to voice objections to Valenti's proposed system. In a similar manner, theater owners also voiced their opinions about

¹¹⁷ Lewis, *Hollywood v. Hard Core*, 141.

¹¹⁸ Justin Wyatt in Bernstein, *Controlling Hollywood*, 241.

the new rating system. Because of the tenacity of local and state obscenity laws, exhibitors worried that without an adults-only rating to restrict minors from viewing certain film content theaters would be susceptible to prosecution. As a result, NATO put pressure on Valenti to include the X rating as a buffer in order to avoid legal infractions.¹¹⁹ Finally, industry lawyers and legal consultants added their voice in urging Valenti to consider the possibility that a closed system would invite restraint of trade suits.¹²⁰ Under these circumstances, Valenti tried to find a compromise with the adults-only rating to secure ultimately the future interests of the film industry and major studios while appealing to the reservations of independent distributors.

In the end, the X rating was included into the rating system in order to maximize motion picture releases and avoid legal infractions.¹²¹ Nevertheless, the MPAA treated the X rating uniquely by relinquishing some industry-regulated control over its assignment. Unlike the other ratings, the X is the only classification that is not copyrighted by the MPAA, which allows studios and distributors to self-apply the X rating to their films without MPAA supervision. By not copyrighting the adults-only category, the MPAA was able to temporarily appease independent distributors and prevent litigation on artistic rights. Valenti touches on these motivations during a 1990 interview. He states, “We didn’t copyright the X rating from a legal standpoint. It had to be open-ended so that if somebody doesn’t want to submit a picture, they can use the X. Otherwise, we could be challenged on First Amendment grounds.”

At first, the adults-only category appeared to produce a modicum of commercial and artistic success. In 1969, *Midnight Cowboy* became one of the first films to be rated X for adults

¹¹⁹ Vaughn, *Freedom and Entertainment*, 67.

¹²⁰ Jack Matthews, “Oct. 3 Marks the Spot for Movie Showdown...,” *Los Angeles Times*, September 15, 1990. http://articles.latimes.com/1990-09-15/entertainment/ca-277_1_movie-ratings-system.

only content. Set in New York City, the film follows the story of Joe Buck (played by Jon Voight) as a small town Texan with naive dreams about finding a wealthy lover who will support him with a life of luxury. However, his dreams are shattered, after numerous encounters working as a hustler, when he learns that the women who pay for his service end up preying on his naivety. The realization leaves Joe disenchanted and alone, at the mercy of an unforgiving city. During this time, Joe meets the street-savvy Enrico “Ratso” Rizzo (played by Dustin Hoffman) who becomes his friend and helps him survive the harsh realities of the city and life.

By targeting an adults-only audience, the film is able to broach controversial topics without undue reservation. With its ultra-realistic tone, the film shocked some viewers who misinterpreted the title for a typical western instead of the code name for a male hustler. Indeed, the film’s frank depiction of casual sex, prostitution, homosexuality, and drug use pushes the envelope of what was possible during the PCA era. For many adult viewers and critics alike, the film was a breath of fresh air that breathed potential into the future of adult films. In the Criterion Collections audio track of *Midnight Cowboy*, Producer Jerome Hellman affirms the placement of the film in the adults-only category: “We felt the X rating was the correct rating.”¹²² Although the film broaches controversial topics, *Midnight Cowboy* does not fall into the category of pornography or soft-core productions. Instead, the film is widely recognized as a serious adult film with inherent artistic merit.

Despite its restricted rating, the *Midnight Cowboy* performed well at the Oscars becoming the first and only X-rated film to win an Oscar for Best Picture. The film also claimed Oscars for best adapted screenplay and best director in addition to several nominations including best actor,

¹²² Barbara Saltzman, “Double Remembrance of the Making of ‘Midnight Cowboy,’” *Los Angeles Times*, February 14, 1992. http://articles.latimes.com/1992-02-14/entertainment/ca-2045_1_midnight-cowboy.

actress, and editor. Due in a large part to its outstanding critical reception, the film was later “edited for rerating” according to CARA to obtain the less restrictive R rating in 1971.¹²³ Although re-ratings require editing of some kind, *Midnight Cowboy* managed make the transition without changing the original film. According to Hellman, none of the original content was edited.¹²⁴ The new rating reflected an unprecedented shift in the classification system away from the adults-only category and to the more marketable R rating. The *Midnight Cowboy* effectively showed the potential of the X rating but also uncovered its biggest limitations. As one of the top twenty box office films released in 1969, *Midnight Cowboy* performed relatively well at the box office grossing in total over \$44 million dollars domestically.¹²⁵ However, the film was also lumped together with so-called “dirty films” like *Vixen* (1968) and *I am Curious (Blue)* (1969 US release) because of its initial X rating.

The difference between serious adult films like *Midnight Cowboy* and similarly rated exploitation film like *Vixen* is visually represented through the poster art. The *Midnight Cowboy* film poster depicts Jon Voight and Dustin Hoffman lounging on a street corner as both actors look off-camera down the street. The picture reflects the realistic nature of the film through the rubble at Joe’s feet and the scratched and dirty exterior of the building. The image also captures the location of the film through the words stenciled on the door next to Joe that read “Property of City of New York.” The only sexual implications reside in the coded title of the film. Otherwise, viewers see the nature of the film as a serious drama. The only indication adult themes is

¹²³ Information available on CARA’s official webpage:
<http://www.filmratings.com/search.html?filmTitle=midnight+cowboy&x=0&y=0>.

¹²⁴ Saltzman, “Double Remembrance.”

¹²⁵ Total number taken from the Box Office Mojo website:
<http://www.boxofficemojo.com/movies/?id=midnightcowboy.htm>.

presented in the ratings description in the lower left-hand corner of the poster: “X Persons Under 17 Not Admitted.” In contrast, *Vixen* foregrounds the upper torso of Erica Gavin as the Vixen in climax with her upper body mostly exposed and her head and back arched. The lower section of the poster gives a voyeuristic perspective of Erica and another man as they copulate. The image is both personal and distanced presenting multiple representations of sexual acts. In the upper right-hand corner, the poster adds the tagline: “Is she woman ... or animal?” The exploitation of sex in this instance is sharply in contrast to the serious drama although both are restricted to adult-only audiences. In short, the contrast between serious adult films and exploitation films became the biggest problem with the X rating. In essence, the X category was too broad to differentiate between “controversial content” (fig. 2) and “prurient content” (fig. 3).¹²⁶

¹²⁶ Lewis, *Hollywood v. Hard Core*, 165.

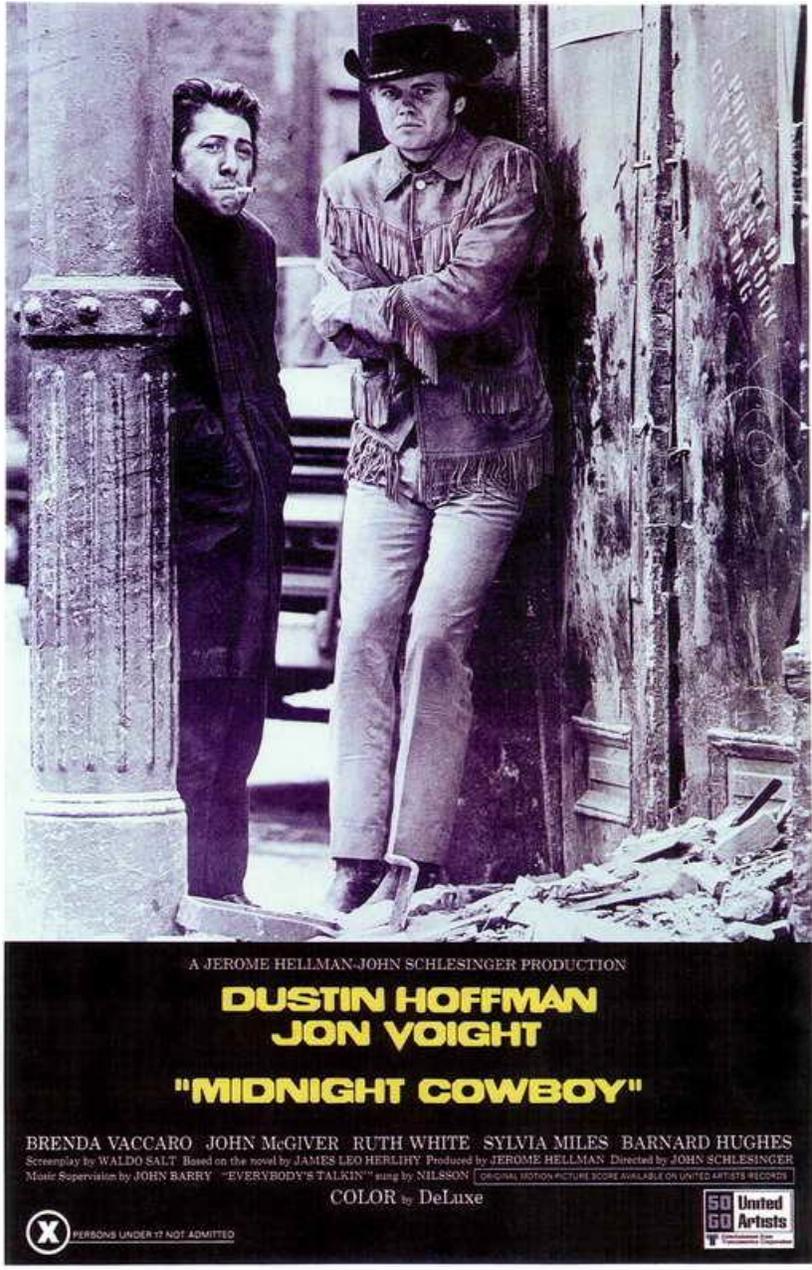


Figure 2: Midnight Cowboy Poster Art



Figure 3: Vixen Poster Art

Because the X rating was not trademarked, the MPAA and CARA were unable to control the X rating as filmmakers and studios began to self-apply the category. As a result, films began to exploit the X rating to include three distinct categories of explicit content ranging from serious

adult films, soft-core, and hard-core.¹²⁷ The most common use fell under the category of soft-core and hard-core exploitation productions especially with the increase in foreign and independent films. Major studios and independent film companies capitalized on the uncontrolled rating in order to promote and exhibit their productions. At first, audience reception seemed mixed with some calling for moral reform while others found the frank portrayal of taboo topics freeing. In a *New York Times* article, Ralph Blumenthal titles the public reception of hard-core films as “porno chic” based on the overall success of exploitation films.¹²⁸

Under these circumstances, the X quickly acquired a negative stigma. During the rise of hard-core sex films in the 1970s, the porn industry, in addition to numerous studios, began self-applying the X rating to their productions.¹²⁹ Notable examples include Gerard Damiano’s sexploitation films *Deep Throat* (1972) and *The Devil in Miss Jones* (1973). Both productions fall squarely into the pornography category with scenes of non-simulated copulation, fellatio, and cunnilingus in addition to close-ups of male and female genitalia. Instead of being relegated to the peripheral, sexploitation films used the self-applied X rating to enter the mainstream marketplace. *Deep Throat* played in more than 70 cities and grossed over \$3 million within the first year.¹³⁰ With access to nationwide distribution, pornographic films proliferated often using the X rating to promote their sexually explicit material. In this case, the association between X and XXX stuck. Regardless of whether the rating was assigned by the MPAA or self-applied, the

¹²⁷ Wyatt, “The Stigma of X,” 250-51.

¹²⁸ Ralph Blumenthal, “‘Hard-core’ Grows Fashionable and Very Profitable,” *New York Times*, January 21, 1973. <http://www.nytimes.com/1973/01/21/archives/pornochic-hardcore-grows-fashionableand-very-profitable.html>.

¹²⁹ Vaughn, *Freedom and Entertainment*, 65.

¹³⁰ Stanley, *Celluloid Empire*, 225.

public associated the X rating with pornographic content. Such a negative correlation caused major studios to shun the rating and exhibitors to deny showing X rated film productions.¹³¹ In 1972 approximately 50 per cent of theaters, along with numerous newspapers and television stations, refused to play X rated films.¹³²

In a large part, these actions were motivated by economic gains since many exhibition outlets particularly NATO theaters and mall theaters would receive heavy public pressure against carrying and exhibiting X rated films. In addition, Valenti repeatedly warned MPAA signatories against producing and distributing irresponsible entertainment. In a public statement, Valenti forewarns that “responsible leaders in the motion picture industry will not permit this medium to be tarnished. Personally I shall never cease, whatever the cost, to fight for self-regulation and self-restraint. I shall condemn obvious and gratuitous trash no matter where it comes from or who cashes in on it.”¹³³ Valenti’s warning along with public outcry pushed the X rating to the peripheral, outside mainstream acceptability. Based on the overall aversion to the hard-to-define X category, the milder R rating became the desirable alternative with studios intentionally cutting scenes in order to acquire the more profitable and marketable rating. In a *New York Times* article, film director Paul Schrader states, “For film makers, the R rating is ‘a necessity’. Every contract I sign says, ‘I agree to submit an R film of no more than 120 minutes – so it’s a

¹³¹ Ibid., 69.

¹³² Stephen Farber and Estelle Chngas, “Putting the Hex on ‘R’ and ‘X,’” *New York Times*, April 9, 1972. http://www.nytimes.com/1972/04/09/archives/putting-the-hex-on-r-and-x-ratings-putting-the-hex-on-r-and-x.html?_r=0.

¹³³ Sandler, *The Naked Truth*, 56.

contractual obligation. The producers of a \$30 million film don't want you to go out with an X. And no major release will go out unrated."¹³⁴

With cooperation from exhibitors, the X rating began to be phased out of production with fewer films receiving the adults-only category and entering into the mainstream. Instead, studios and producers replaced the adults-only category with the more accessible R rating. Sander illustrates this transition to the more acceptable rating through the term the "Incontestable R." According to Sandler, the Incontestable R is "an aesthetic and discursive framework that guaranteed all R-rated films to Hollywood's audience as responsible entertainment."¹³⁵ Rather than changing the system, the MPAA used a new rhetorical framework to distinguish between acceptable and unacceptable film productions. Controversial content that pushed the envelope of public acceptability could easily be termed irresponsible smut or trash by the MPAA and regulated to the stigmatized X category. In contrast, the Incontestable R became the prime example of responsible entertainment because of the rating. In effect, the MPAA set a standard for the movie industry that aesthetically appeals to audiences by giving the appearance of responsible entertainment while ensuring profitability because all ages can see the film production if accompanied by an adult.¹³⁶ Despite the overwhelming appeal of the R rating, some studios, particularly with the rise in foreign films, found the X rating inescapable when dealing with adult-only content. These factors led to an eventual re-evaluation of the rating system particularly in response to the undesirability of the X rating.

¹³⁴ Glenn Collins, "Guidance or Censorship? New Debate on Rating Films," *New York Times*, April 9, 1990. <http://www.nytimes.com/1990/04/09/movies/guidance-or-censorship-new-debate-on-rating-films.html?pagewanted=all>.

¹³⁵ Sandler, *The Naked Truth*, 58.

Miramax and the X

During the 1990s, several Miramax films capitalized on the edgy nature of the stigmatized X in an aggressive marketing strategy that challenged the adult-only category of the rating system. The first film that paved the way for critical evaluation of the X rating was *The Cook, the Thief, His Wife and Her Lover* (1990). In the film, themes of violence and deprecation, interspersed with sexuality, are taken to excess. During the course of the film, an entire human body is cooked and consumed; belly button and wrists are cut off; and feces and urine are smeared on a victim. Although audience reactions to the film varied, the general descriptors of feeling “mugged” or “uneasy” after the viewing prevailed.¹³⁷ These factors caused the MPAA to slap the film with the dreaded X rating. Heffner and the majority of the ratings board declared the film “clearly X” in nature and content.¹³⁸

Instead of meekly accepting the X rating, Miramax went to the press to air their grievances against the stigmatized rating. These public campaigns exploited the X rating by emphasizing the film’s racy content, the poster art showcases Helen Mirren in a revealing dress, while simultaneously declaring the rating inappropriate and unfair based on the “artsy” nature of the film.¹³⁹ With the help of favorable critical reviews, Miramax promoted the film as a quality art house production with an edgy X-rated flare. This association caused many to question whether or not the film would have received such rave reviews without the stigma associated with the X rating.

¹³⁷ Alice Gray, “Five Most Controversial Film Rated NC-17,” *PopOptiq*, December 30, 2010. <http://www.popoptiq.com/five-most-controversial-films-rated-nc-17-4-the-cook-the-thief-his-wife-and-her-lover/>.

¹³⁸ Vaughn, *Freedom and Entertainment*, 197.

¹³⁹ Alisa Perren, *Indie, INC.: Miramax and the Transformation of Hollywood in the 1990s* (Austin: University of Texas Press, 2012), 44.

In any case, even with these aggressive marketing strategies and favorable reviews, Miramax failed to appeal CARA's rating and instead initially released the film as unrated, showing just how adamantly the industry shunned the stigma of the X rating. Although unsuccessful in its battle against the rating system, the film brought the shortcomings of the adult-only category to the public eye and set the stage for subsequent appeals from critics, filmmakers, and studios in an attempt to enact a ratings reform.

The second film that stirred up controversy surrounding the X rating was *Tie Me Up, Tie Me Down* (1990), the third movie handled by Miramax to receive an X rating in one year. Far from discouraging Miramax, the X rating allowed the company to employ "marketing controversy" tactics to question the integrity of the rating system.¹⁴⁰ These actions effectively provided free publicity for the film despite the lack of advertising for X-rated films. According to CARA's rating board "green sheets," the film's treatment of sexual content including the depiction of copulation between the main characters, a bathtub masturbation scene, and pornographic material elicited the X rating.¹⁴¹ In a futile effort, Miramax appealed the rating but was denied in a split decision by the ratings appeal board. These actions prompted the studio to sue the MPAA based on the legality of the current rating system. The suit argued that the X rating for *Tie Me Up, Tie Me Down* was arbitrary, capricious, and unreasonable because of economic prejudice and discrimination against foreign and independent productions.¹⁴²

¹⁴⁰ Justin Wyatt, "The Formation of the 'Major Independent': Miramax, New Line, and the New Hollywood," in *Contemporary Hollywood Cinema*, ed. Steve Neale and Murray Smith (London: Routledge, 1998), 80.

¹⁴¹ Sandler, *The Naked Truth*, 100.

¹⁴² Vaughn, *Entertainment and Freedom*, 202.

The highly publicized court case ultimately resolved in the New York Supreme Court where the presiding judge, Charles E. Ramos, ruled in favor of the MPAA's decision and use of the X rating by dismissing the case. Although Miramax was defeated, the industry's victory was far from conclusive. In a fifteen-page opinion statement, Ramos criticized the MPAA's classification of ratings particularly with the growing stigma and economic sanctions against the X rating.¹⁴³ He states, "The manner in which the MPAA rates all films, not just *Tie Me Up! Tie Me Down!*, causes this Court to question the integrity of the present rating system."¹⁴⁴ Although Valenti refused to question the effectiveness of the rating system by borrowing the adage don't fix something that isn't broken, Ramos' opinions rallied other voices to push for revision of the adults-only category.

In the aftermath of the court case and with other X-rating controversies looming, the National Society of Film Critics (NSFC) took a stand in calling for a ratings reform. Many agreed with critics Jack Matthews and Roger Ebert that the film industry needed to adopt a copyrighted "A rating" for adults-only so serious filmmakers could enter the mainstream without the limitations and stigma associated with the X.¹⁴⁵ Many industry stakeholders like the Directors Guild of America (DGA) and the Writers Guild of America (WGA) also rallied to voice their opinions to the MPAA for ratings change after independent filmmakers voiced their desire for change in a letter to Jack Valenti titled, "Silverlight manifesto."¹⁴⁶

¹⁴³ Perren, *Indie Inc.*, 45.

¹⁴⁴ Glenn Collins, "Judge Upholds X Rating for Almodovar Film," *New York Times*, July 20, 1990. <http://www.nytimes.com/1990/07/20/movies/judge-upholds-x-rating-for-almodovar-film.html>.

¹⁴⁵ Sandler, *The Naked Truth*, 97.

¹⁴⁶ *Ibid.*, 109.

Although initially resistant to change, the increasing pressure from critics, filmmakers, and other industry members finally prompted the MPAA to implement another significant ratings reform. Instead of using the “A” rating as critics proposed, Valenti considered using an NC-17 or RR category as a restricted rating that focused on audience related categories instead of quality related ones.¹⁴⁷ In maintaining an audience related focus, the MPAA upheld its public image as an advocate for creative freedom by distancing CARA’s rating board from value judgments. Despite NATO’s investment in the RR rating, the MPAA officially trademarked the NC-17 as the new rating for serious adult content in the film industry. As before, Valenti heralded the new rating as a return to the “original intent of the rating system” where “anybody who wants to go see [an NC-17 rated] film can go see it, period.”¹⁴⁸ Although the NC-17 rating was embraced by Universal studios when *Henry and June* (1990) became the first film to receive the rating, many within and without the industry were skeptical. Even Valenti admitted that he “expected criticism to continue” even though the NC-17 rating benefited the “long range best interests of an enduring and useful ratings system.”¹⁴⁹

NC-17 Rating and Boundary Maintenance

The replacement of the X with the new NC-17 category promised change for filmmakers who wanted to legitimize adult-only content. The NC-17 rating offered an alternative to the stigmatized X while still pushing the boundaries of acceptability. In 1990 Russell Schwartz, vice

¹⁴⁷ Ibid., 110.

¹⁴⁸ David J. Fox, “X Film Rating Dropped and Replaced by NC-17,” *Los Angeles Times*, September 27, 1990. http://articles.latimes.com/1990-09-27/news/mn-1406_1_r-rated-films.

¹⁴⁹ Vaughn, *Entertainment and Freedom*, 208.

president of Miramax, viewed the introduction of the NC-17 rating as a first step to improvement. He states, “The issue of what needs to be cut to get an R rating will still need to be addressed. But I’m happy there is now a legitimate category for adult movies.”¹⁵⁰ As the first film to receive the NC-17 rating, *Henry and June* performed relatively well at the box office grossing over one million dollars opening weekend and becoming the second highest domestic grossing NC-17 film of all time.¹⁵¹ Nevertheless, the potential for meaningful reform was short lived.

A few months after the new rating was introduced, Blockbuster, the movie rental giant of the time, announced that they would not carry NC-17 rated films. The company based the decision on a prior stance against carrying X rated films. In other words, regardless of the label, the movie rental company would not carry adult-only films. For NC-17 hopefuls, Blockbuster’s decision threatened the economic viability of the rating by limiting a major distribution outlet. In addition, advertisers and theater owners often shied away from the NC-17 rating. In a letter to the editor, producer Mark Lipsky argues that the new rating was nothing more than a new name for the X. He states, “Advertisers and theater owners rejected ‘NC-17’ just as they had ‘X,’ and writers, directors and distributors continue under an onerous and unfair burden.”¹⁵² Even if an audience for serious adult films existed, the burden of finding and reaching them remained difficult. Without access to the mainstream, NC-17 films became relegated to art houses or limited release theaters for exhibition. Under these circumstances, the NC-17 rating was too

¹⁵⁰ Fox, “X Film Rating Dropped,” 1.

¹⁵¹ Box office numbers and domestic gross referenced from www.boxofficemojo.com.

¹⁵² Mark Lipsky, “New Rating for Movies Is the Same Old ‘X’ in ‘NC-17’ Undress,” *The New York Times*, December 18, 1992. <http://www.nytimes.com/1992/12/18/opinion/1-new-rating-for-movies-is-the-same-old-x-in-nc-17-undress-196692.html>.

unpredictable and unfeasible to risk in the marketplace causing some to consider the rating a form of commercial death.

Nevertheless, one film made the exception. Instead of fearing the adults-only category, *Showgirls* (1995) embraced the opportunity to target mature audiences. Instead of shying away from controversy, the film tests the reactions of audiences and exhibitors. Distributed by Metro-Goldwyn-Mayer (MGM) and United Artists (UA), *Showgirls* tells the story of Nomi (played by Elizabeth Berkley) as a traveler who hitchhikes to Las Vegas in order to become a dancer. Along the way, Nomi claws her way to the top as she transitions from a lowly stripper at a seedy strip club to a lead showgirl with stardom status. Along the way, the film pushes the envelope of acceptability through its unrestricted use of sex and nudity. As a result, CARA gave the film an NC-17 rating for “nudity and erotic sexuality throughout, and for some graphic language and sexual violence.”¹⁵³ Rather than appealing the rating or editing the film for re-rating, the studio welcomed the NC-17 label. In a phone interview, Frank Mancuso, chair of MGM and UA, agreed to CARA’s rating. He states, “From the very beginning we knew of the possibility that this film [*Showgirls*] would get an NC-17. Having seen the film, I absolutely agree. We accept it. It’s a film for mature audiences. And frankly, I hope the stigma attached to the NC-17 rating can be removed.”¹⁵⁴

Despite backing from MGM and UA, *Showgirls* encountered push back from theaters and exhibitors who would not show NC-17 rated films. In order to mitigate resistance against NC-17 rating, the studio launched an educational campaign that gave exhibitors and advertisers the

¹⁵³ Direct quote from CARA’s official website, www.filmratings.com.

¹⁵⁴ Bernard Weinraub, “First Major Film with an NC-17 Rating Is Embraced by the Studio,” *The New York Times*, July 21, 1995. <http://www.nytimes.com/1995/07/21/movies/first-major-film-with-an-nc-17-rating-is-embraced-by-the-studio.html>.

ability to see the film before making a final decision. With a production budget of 45 million dollars, *Showgirls* desperately needed a wide release in the mainstream market in order to be economically viable. For the most part, the campaign worked allowing *Showgirls* to be released in over 1,300 theaters.¹⁵⁵ Although less than other big budget productions, the relatively wide theater release allowed *Showgirls* to be the first and only NC-17 rated movie to enter the mainstream market. In the opening weekend, the film earned eight million dollars and grossed domestically twenty million dollars. For an NC-17 film, these numbers are astounding, almost doubling the domestic gross of *Henry and June* just five years earlier.

Despite its unprecedented commercial success among NC-17 rated films, *Showgirls* failed to profit at the box office, earning back only half of the film's production costs. Even with entry into the mainstream market place, the return on *Showgirls* fell far short of the potential profits from R rated films produced in the same year.¹⁵⁶ To offset these losses, MGM/UA Home Entertainment Inc. distributed an edited version of the film that received an R rating from CARA for "strong sexuality, nudity, language, a rape scene and drug use" to movie rental companies like Blockbuster. In the home video market, the *Showgirls* regained some traction, recouping production costs, and acquiring a tentative cult status. However, the film's inability to offset production costs with box office numbers effectively acted as the *coup de grace* for NC-17 rated films. Major studios shunned the rating and opted for either low budget productions with limited release or contractual obligations that required filmmakers to produce a film that would obtain the more marketable and profitable R rating.

¹⁵⁵ Release numbers and domestic gross referenced from www.boxofficemojo.com.

¹⁵⁶ Refer to <http://www.boxofficemojo.com/yearly/chart/mpaarating.htm?rating=R&yr=1995> for yearly box office totals during 1995.

erotica and pornography. Indeed, the film's poster highlights the sexual nature of the film (fig. 4). Based off Tono Stano's black and white photograph titled "Sense," the poster art depicts part of Nomi's body.¹⁵⁷ The image centers the contoured outline of Nomi's left leg all the way to the lower portion of her face. Although clearly naked, Nomi's body is suggestively concealed by the black background that acts like a partially opened robe. Although far from explicit, the cover is sexual and provocative reflected in the naked body, nude coloring of the title, and poster tagline. The poster tagline encourages viewers to "Leave your inhibitions at the door...The show is about to begin." In effect, *Showgirls* embodies the inescapable limitations and stigma of the NC-17 rating, further widening the gap between adult-only content and mainstream acceptability.

Under these circumstances, the NC-17 rating soon became embroiled in controversy. In a report titled "Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries," The Federal Trade Commission (FTC) put pressure on the MPAA to improve the rating system in order to restrict access to violent content for young audiences. The report reviewed 44 films rated R for violence and found that 35 of the films, or 80 percent, used marketing that targeted audiences under 17 years old.¹⁵⁸ The FTC's report initiated responses from industry members who also wanted change within the rating system. In a press release conducted the same year, the Directors Guild of America's (DGA) Task Force on Violence and Social Responsibility advocated for a new rating system where only intended audiences are able to access each film,

¹⁵⁷ See "Making Sense of Showgirls," *PosterWire*, March 31, 2005. <http://posterwire.com/showgirls/>.

¹⁵⁸ "Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries," *Federal Trade Commission*, September 2000, accessed online at <https://www.ftc.gov/reports/marketing-violent-entertainment-children-review-self-regulation-industry-practices-motion>.

provides information that is more detailed to the public, and allows filmmakers to tell stories without restraint to mature viewers. In addition to systemic changes, the DGA also advocated for change within the adults-only category:

For films intended solely for adult audiences, we urge the Motion Picture Association of America, theatre owners, video stores and advertising outlets to develop, nurture and stand behind a rating that will allow filmmakers to tell adult stories without the fear that minors will see them, while at the same time ensuring the films so rated will not be unfairly stigmatized. The NC-17 rating that currently exists has been an abject failure: many films that should not be seen by minors are re-cut so that they receive a “hard” R rating. This has the effect of not only compromising filmmakers’ visions, but also greatly increasing the likelihood that adult-oriented movies are seen by the very groups for which they are not intended.¹⁵⁹

The DGA’s words reflect the growth of the Incontestable R and the subsequent downfall of the NC-17 rating. The fact that rating assignments structure the way films reach audiences and filmmakers create content is cause for concern. In establishing responsible entertainment, the MPAA relegates NC-17 rated films to the peripheral. In other words, the failure of the NC-17 rating produces a form of boundary maintenance because adult-only films are not allowed in the mainstream. As a well-known film critic, Roger Ebert rallied, even after the introduction of the NC-17 rating, to include a new adults-only category with the label “A” to rejuvenate serious adult films. According to Ebert, the rating system would have to come with “acknowledgements that the studios and exhibitors are sincerely prepared to release A-rated movies and enforce the R rating.”¹⁶⁰ In other words, Ebert and others advocated for a different adults-only category that would change the way adult films entered the market. Although pressure for reform mounted, the

¹⁵⁹ “DGA Task Force on Violence and Social Responsibility Statement in Response to FTC Report on Violence,” *Directors Guild of America*, September 14, 2000, accessed online at <https://www.dga.org/News/PressReleases/2000/0914-DGA-Task-Force-on-Violence-and-Social-Responsibility-Statement.aspx>.

¹⁶⁰ Roger Ebert, “Ugly Reality in Movie Ratings,” *Ebert Digital LLC*, September 24, 2000, accessed online at <http://www.rogerebert.com/rogers-journal/ugly-reality-in-movie-ratings>.

MPAA and CARA were unyielding, sticking strongly to the efficacy of the NC-17 rating. The trade organizations reiterate the voluntary nature of self-regulation within the film industry and the opportunity for studios to bypass the system entirely if they so choose by releasing films as unrated. However, the prospects of unrated films are practically the same as NC-17 rated films; both experience limited exhibition and distribution possibilities. As a result, industry members criticize CARA for limiting access to the mainstream market through rating assignments for adults-only films.

NC-17 Rating Controversy

In addition to limiting access to the mainstream market, the NC-17 rating also incites debate on the integrity of rating assignments. Sandler contends that the “secrecy of the industry’s self-regulatory operations” leads many within and without the industry to question the methodology and thought patterns of the regulatory board, prompting some filmmakers to accuse CARA of making inconsistent and arbitrary rating decisions.¹⁶¹ Spread by the public press, film controversies at times charge the MPAA and CARA with perpetuating ideological bias against particular representations of sexuality, in addition to, giving preferential treatment to major studios over independents. One production that epitomizes the controversy surrounding the NC-17 rating is the film *Blue Valentine* (2010). The indie drama tells the story of Dean (played by Ryan Gosling) and Cindy (played by Michelle Williams) as a working class couple from Pennsylvania who marry and begin living and navigating life together. The film takes an honest look at the creation and decay of their relationship from past to present. Although directed

¹⁶¹ Sandler, *The Naked Truth*, 131-32.

toward adult audiences, the film's content is far from prurient. Nevertheless, the film was initially given an NC-17 rating by CARA for "explicit sexual content."

The unexpected rating caused significant controversy among industry members. The film's distributor, The Weinstein Company (TWC), launched an aggressive marketing campaign and contracted the help of top lawyers to appeal CARA's rating decision. Harvey Weinstein publicly announced his surprise and disagreement with the film's classification. He states, "We want to express our deepest gratitude to our colleagues in the industry and in the media for their recent outpouring of support for Derek Cianfrance's 'Blue Valentine' after the film surprisingly received an NC-17 rating from the MPAA. We are taking every possible step to contest the MPAA's decision."¹⁶² According to TWC, *Blue Valentine* received the NC-17 rating because of one particular scene when Dean (played by Ryan Gosling) performs oral sex on Cindy (played by Michelle Williams).¹⁶³ The scene in question is strikingly familiar to a scene in the *Black Swan* (2010) when Mila Kunis as Lily performs oral sex on Natalie Portman's character Nina. The following screen shots highlight the similarities.

¹⁶² Gregg Kilday, "Weinstein Co. to Appeal 'Valentine' Rating," *The Hollywood Reporter*, October 14, 2010. <http://www.hollywoodreporter.com/news/weinstein-co-appeal-valentine-rating-29122>.

¹⁶³ Sara Vilkomerson, "'Blue Valentine': Harvey Weinstein Rails Against NC-17 Rating," *Entertainment Weekly*, November 5, 2010. <http://ew.com/article/2010/11/05/blue-valentine-harvey-weinstein-nc-17-mpaa-rating/>.



Both scenes last less than a minute with no nudity; however, *Blue Valentine*'s scene is shot in one take while the *Black Swan*'s scene continually cuts between the actions and reactions of the actors. Harvey Weinstein credits the acting performance of Gosling and Williams as "good acting" that is "maybe *too* good" for rating board members to handle, thereby, ensuring the NC-17 rating.¹⁶⁴ Ryan Gosling, however, takes a stronger stance in accusing the MPAA of misogyny and sexism in its assignment of ratings:

¹⁶⁴ Vilkomerson, "Blue Valentine," 1.

You have to question a cinematic culture which preaches artistic expression, and yet would support a decision that is clearly a product of a patriarchy-dominant society, which tries to control how women are depicted on screen. The MPAA is okay supporting scenes that portray women in scenarios of sexual torture and violence for entertainment purposes, but they are trying to force us to look away from a scene that shows a woman in a sexual scenario, which is both complicit and complex. It's misogynistic in nature to try and control a woman's sexual presentation of self. I consider this an issue that is bigger than this film.¹⁶⁵

As WTC's campaign entered the public sphere, the press began to spread Gosling's accusations against the MPAA and share what appears to be a rating discrepancy between *Blue Valentine* and *Black Swan*.¹⁶⁶ The attention helped the WTC gain publicity for the film and raise awareness on "living with an outdated ratings system" as Harvey Weinstein claims.¹⁶⁷

These examples underline some of the main criticisms leveled against the MPAA with the NC-17 rating. In *This Film Is Not Yet Rated* (2006), Kirby Dick explores a similar bias in rating assignments through side-by-side comparisons of sex scenes that received different ratings based on the scene's sexual orientation. However, the MPAA is clear that rating decisions are not made based on ideological or value judgements. Instead, each film is based solely on the film's overall content. Valenti asserts, "The ratings board makes no judgment of quality. It's what you see on the screen, period."¹⁶⁸ Against allegations of ideological bias, the MPAA and

¹⁶⁵ S. T. Vanairsdale, "Ryan Gosling Tees Off on 'Misogynistic' MPAA Over Blue Valentine Rating," *MovieLine*, November 18, 2010. <http://movieline.com/2010/11/18/ryan-gosling-tees-off-on-misogynistic-mpaa-over-blue-valentine-rating/>.

¹⁶⁶ See Steven Zeitchik, "Two Films, Two Sex Scenes, Two Different Ratings," *Los Angeles Times*, December 4, 2010. <http://articles.latimes.com/2010/dec/04/entertainment/la-et-sex-movies-20101204>.

¹⁶⁷ Jeff Labrecque, "The Weinstein Company Challenges 'Blue Valentine' Rating," *Entertainment Weekly*, November 18, 2010. <http://ew.com/article/2010/11/18/the-weinstein-company-blue-valentine-nc17/>.

¹⁶⁸ Sandler, *The Naked Truth*, 83.

CARA reinstate the fundamental purpose of the ratings board to reflect the values and opinions of parents, thereby, shifting responsibility onto social trends or norms.

In actuality, the accusations of bias are hard to confirm. In his review of *Color of Night* (1994) and *When Night Is Falling* (1995), Sandler debunks the charges against the rating system of being sexist and homophobic in the assignment of ratings by comparing edits between R rated and unrated video releases. The shot revisions of sex and nudity corresponded with R rated films of the time with no preference given to particular scenes over others. Instead, he finds that most rating disputes occur because of “misrepresentations, overstatement, and fabrication of the Rating Board’s practices.”¹⁶⁹ For *Blue Valentine*, the accusation of ratings bias fell silent after the film successfully appealed the NC-17 rating and acquired the more desirable R rating. Although largely unsubstantiated, Gosling’s accusations of sexism and the mounting pressure from public opinion prompted the MPAA to rerate the film without edits. Such a rare occurrence highlights the negotiation at play within the industry. For the MPAA, the initial NC-17 rating acted to preempt potential parental complaints and safeguard the industry from obscenity and indecency charges. *Blue Valentine*’s uses of distanced, long takes during the oral sex scene is in contrast to *Black Swan*’s various close ups. Sandler finds that more realistic sex scenes that include long takes tend to receive the more restrictive NC-17 rating than films that use close-ups and above-the-waist medium shots.¹⁷⁰ In essence, the MPAA preemptively minimized parental backlash by rating the film NC-17. Moreover, since there is no equivalent law against violent content, even if it is marketed to children, the MPAA tends to use the NC-17 rating as a legal buffer for explicit sexual themes by preemptively restricting minors from seeing the film.

¹⁶⁹ *Ibid.*, 158.

¹⁷⁰ *Ibid.*, 184.

With the *Blue Valentine* controversy, the mounting pressure from TWC public campaign combined with the star power of Ryan Gosling led the MPAA to revise their position. Despite accusations of sexism, the MPAA's primary concern was not ideological but financial. The trade organization rereleased the film because it benefited the long-term interests of the film industry to appease TWC and discredit accusations of sexism. In effect, public and industry unrest outweighed the potential threat of legal infraction. In this way, the MPAA's treatment of *Blue Valentine* can be understood along the lines of Foucault's notion of power. In the *History of Sexuality*, Foucault encourages scholars to "move less toward a theory of power" and more toward a "definition of a specific domain formed by power relations."¹⁷¹ These power relations are infused in the entire social body, in other words, composed by the network of relations between institutions and society. In this way, "power is exercised rather than possessed."¹⁷² For the film industry, the MPAA's power to self-regulate motion pictures through movie ratings is dependent in part on social discourses. Building on Foucault's notion of power, Judith Butler contends that "censorship seeks to produce subjects according to explicit and implicit norms, and this production of the subject has everything to do with the regulation of speech...the regulation of the social domain of speakable discourse."¹⁷³ If the MPAA and CARA lose public support and respectability, the film industry can become embroiled in legal trouble and lose its self-appointed authority to self-regulate films. In other words, industry members and audiences are able to talk

¹⁷¹ Michel Foucault, *The History of Sexuality Volume I: An Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978), 82.

¹⁷² Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Random House, 1995), 26.

¹⁷³ Judith Butler, "Ruled Out: Vocabularies of the Censor," *Censorship and Silencing Practices of Cultural Regulation*, ed. Robert C. Post (Los Angeles: The Getty Research Institute, 1998), 252.

back to and discipline the MPAA through moments of controversy. In turn, the MPAA is required to make certain amendments and concessions in response to many of these pressures.

Lewis identifies the MPAA's actions as the "maintenance of the larger network of relationships that form the new Hollywood."¹⁷⁴ Under these circumstances, negotiation becomes an enactment or maintenance of power relations in response to public discourse. In this instance, the MPAA benefited from rerating *Blue Valentine* without editing in order to uphold their responsibility to the industry to regulate potentially problematic material and to audiences and filmmakers to ensure viewer freedom. Annette Kuhn in her research on early censorship practices finds the regulation of motion pictures to be "an ongoing and always provisional process of constituting objects from and for its own practices."¹⁷⁵ In a similar manner, the MPAA works to benefit the industry's interests through regulated processes that at times encompass provisional responses to controversy in order to maintain the industry's self-appointed authority to rate films and inform parents.

In his discussion of video game regulation, Zach Saltz contends that regulation that appears to prohibit or repress certain content can in fact preserve the content within the regulatory system. In the conclusion, he finds that the "existing mechanism of video game ratings attempts to protect more than just underage users . . . it protects the very sexual content it ostensibly seeks to censor."¹⁷⁶ With *Blue Valentine*, the cry of sexism and ideological bias in the rating system

¹⁷⁴ Lewis, *Hollywood v. Hard Core*, 299.

¹⁷⁵ Annette Kuhn, *Cinema, Censorship and Sexuality 1909-1925* (London: Routledge, 1988), 7.

¹⁷⁶ Zach Saltz, "The Newest Significant Medium: *Brown v. EMA* (2011) and the Twenty-First Century Status of Video Game Regulation," in *Rated M for Mature: Sex and Sexuality in Video Games*, ed. by Matthew Wysocki and Evan W. Lauteria (New York: Bloomsbury Academic, 2015), 72.

fails to see the productive power that Saltz proposes. Without regulation that rates sexual themes and potentially explicit material, state and local censorship boards could intervene on a legal basis to enforce stricter regulatory standards. Saltz contends that litigation like the *Miracle* decision for motion pictures and *Brown v. EMA* for video games allows regulation to thrive without unnecessary intervention. However, certain regulatory measures are still required. In other words, the TWC's allegations against the assignment of the NC-17 rating fail to consider the relative freedom granted within the rating system to show certain forms of content without legal intervention. In this way, the burden of regulation and rerating films or editing films to meet regulation requirements ensures the future of other films that broach similar topics or themes. In short, the *Blue Valentine* rating revealed the necessity of regulation while questioning its legitimacy.

Another common criticism of CARA and the rating system is the accusation that major studios receive preferential treatment over non-major or independent studios. In a study titled "The Ratings Game: Asymmetry in Classification," David Waguespack and Olav Sorenson find, under certain conditions, that "films distributed by the Association's [MPAA] members and those that involve more central producers and directors receive more lenient classifications than those carried by independent distributors and involving more peripheral personnel."¹⁷⁷ Their research bolsters accusations of preferential treatment between majors and independents. In the case of *Blue Valentine*, TWC's battle to appeal the initial NC-17 rating is in stark contrast to *Black Swan*'s initial R rating for "strong sexual content, disturbing violent images, language and some drug use."¹⁷⁸ Distributed by Fox Searchlight Pictures Inc., a division of the MPAA member

¹⁷⁷ David M. Waguespack and Olav Sorenson, "The Ratings Game: Asymmetry in Classification," *Organization Science* 22, issue 3 (2010): 542–43. <http://dx.doi.org/10.1287/orsc.1100.0533>.

¹⁷⁸ Quotation from CARA's official website, www.filmratings.com.

21st Century Fox, *Black Swan* seems to attain the Incontestable R rating without challenge because of its major studio status. Since the films are similar in content, critics claim that TWC, as a non-major studio, was unfairly given the NC-17 rating, reiterating the notion that members of the MPAA receive preferential treatment.

In *This Film Is Not Yet Rated* (2006), several filmmakers share their experience in producing independent versus major films. Matt Stone begins the discussion by recounting his experiences with the Ratings Board concerning the independently funded film *Orgazmo* (1997). As a satirical sex comedy, the film received an NC-17 rating for its overall explicit content. When asked how to edit the film to get an R rating, Stone states that a representative told him he was welcome to make cuts and resubmit the film but no other information could be provided because the Rating Board does not supply “specific notes” on editing films, just the film rating.¹⁷⁹ In contrast, when working with the major studio Paramount for the film *South Park: Bigger, Longer & Uncut* (1999), Stone states he received a phone call with “extremely specific” instructions on what to cut in order to obtain an R rating.¹⁸⁰ For Stone, the opposite treatment of the films is evidence that CARA and the MPAA serve the major studios over independents. After Stone recounts his experience, the documentary cuts to Bingham Ray who states that independent films are targeted because the “system is set up to favor the studios” instead of independents who are not part of the larger studio culture. Through his analysis of specific films,

¹⁷⁹ *This Film Is Not Yet Rated*, directed by Kirby Dick (2006; Santa Monica, CA: Genius Entertainment, 2007), DVD.

¹⁸⁰ *Ibid.*

Sandler also finds that “the Rating Board sometimes does give specific editing information for big-budget Hollywood films” distributed by MPAA signatories.¹⁸¹

Nevertheless, Sandler contends that, despite the existence of regulatory courtesies, “the standards of the Rating Board remain the same for the MPAA signatories and the independents,” thereby denying accusations of favoritism.¹⁸² One example that supports this conclusion is the film *Shame* (2011). Distributed by Fox Searchlight Pictures, the British drama follows the life of Brendon (played by Michael Fassbender) as he is forced to confront his compulsive sex addiction. The film’s raw portrayal of sex and sexual themes guaranteed an NC-17 rating for “some explicit sexual content.”¹⁸³ Instead of shunning the adults-only category, Fox Searchlight Pictures used the rating as “a badge of honor” and potential “game changer” in an effort to legitimize adult film category.¹⁸⁴ In doing so, the film became one of the few motion pictures to be distributed with an NC-17 rating by an MPAA signatory. Although CARA and the MPAA are able to modify rating assignments in response to social and cultural pressure, as seen in the rerating of *Blue Valentine*, the Rating Board does not typically change its policies on ratings regardless of the studio or distributor. For *Blue Valentine* and many independent studios, the accusation of favoritism or preferential treatment is a strategic marketing move meant to provide free publicity for their film production.

¹⁸¹ Sandler, *The Naked Truth*, 163.

¹⁸² *Ibid.*

¹⁸³ Quotation from CARA’s official website, www.filmratings.org.

¹⁸⁴ Pamela McClintock, “Nudity, Three-Ways, Hints of Incest: A Studio’s Plan to Sell *Shame* to Oscar,” *The Hollywood Reporter*, October 20, 2011. <http://www.hollywoodreporter.com/news/shame-oscar-rating-michael-fassbender-250830>.

In summary, although the NC-17 rating is embroiled in controversy, there is little evidence to suggest foul play. As CARA and the MPAA are repeatedly state, the purpose of the rating system is to reflect standards not set them.¹⁸⁵ The Rating Board rates motion pictures based on the film's overall content, not one or two comparable scenes. In addition, ratings are assigned on a case-by-case basis without precedent given to other films except during appeals. With many film controversies, the inherent secrecy of the rating system adds to the debate surrounding rating assignments. As Sandler contends, rating criticism often arise from misconceptions combined with "hype, mistruths, and vagaries" between industry members, the press, and the public.¹⁸⁶ While other criticism can be discredited, the most enduring criticism of the NC-17 rating and MPAA rating system is not the call for ideological bias or preferential treatment but the way ratings enforce a form of boundary maintenance by restricting access to the legitimate marketplace.

Exhibition and Profitability

Although presented as a liberator of negative stigma, the NC-17 rating quickly assumed the same undesirable position as the X rating. Instead of producing a true reform of the rating system, the new rating became an appeasement and aesthetic makeover of the same systematic practices. The MPAA and NATO appeared to respond to criticism against the rating system by introducing a new adult-only category with greater freedom for filmmakers and audiences without actually changing their business practices. Both organizations treated the NC-17 rating

¹⁸⁵ "Movie Ratings Board Invites Scrutiny," *Associated Press*, January 24, 2006. <http://www.today.com/popculture/movie-ratings-board-invites-scrutiny-wbna11012423>.

¹⁸⁶ Sandler, *The Naked Truth*, 159–60.

in the same manner as the old X. According to an MPAA press release, the criteria for rating films NC-17 “will continue to be evaluated as X-rated films have been in the past.”¹⁸⁷ NATO followed the same practices when they disregarded the added responsibility of enforcing the “no children under 17 allowed” policy by declining to show X and NC-17 rated films in their theaters. The result was a continued adherence to the incontestable R rating instead of the adult-only content because neither the NC-17 or X ratings provided advertising or exhibition opportunities in the mainstream.

In short, the regulatory balance between responsibility and profitability with the NC-17 rating is in opposition. From the start, religious and community groups condemned the new rating as identical to the X and pressured distributors and exhibitors to abandon the category entirely. Several prominent religious groups including the National Council of Churches and the U.S. Catholic Conference joined forces to urge exhibitors and media outlets to outright ban NC-17 films.¹⁸⁸ In essence, the industry is unable to promote successfully adult-only content as morally responsible or uplifting to mainstream audiences, which in turn damages the profitability of the category. In assigning an adults-only rating like the NC-17, the MPAA, and by extension the film industry, enacts a form of boundary maintenance.¹⁸⁹ Although adult-only content can be produced without the fear of censorship, the NC-17 rating does not allow for acceptance into the mainstream. In order to enter and participate in the legitimate marketplace, studios are required to follow the MPAA’s rules under the rating system in order to exhibit in mainly NATO owned

¹⁸⁷ *Ibid.*, 115.

¹⁸⁸ *Ibid.*, 118.

¹⁸⁹ *Ibid.*, 46.

theaters.¹⁹⁰ Stepping outside of these regulatory structures is considered a form of “economic suicide.”¹⁹¹

Despite Valenti’s assertion that anyone who wants to see an adult-only film can see it, the reality is quite different. The presence of an NC-17 rating damages the commercial success of a film production because theaters and malls shun the rating, newspapers and television networks avoid promoting adult-only content, and mainstream video stores and big-box retailers will not rent or sell NC-17 films.¹⁹² The only recent exception to limited exhibition for NC-17 rated films resides in online and digital platforms like Netflix and Amazon video. However, these platforms do not account for box office success or the added revenue from mainstream advertising. As a result, few if any NC-17 rated movies make it into major theaters.

Regardless of intentionality, the NC-17 movie rating effectively relegates adult-only content to the peripheral because it simply does not profit the industry or fit into mainstream standards of acceptability. As a result, viewer access to NC-17 films or any serious adult content is drastically limited. At the same, adult audiences are also relegated to the peripheral unless they too assimilate into mainstream acceptability as defined by the rating system and the ever present PG-13 rating. By policing the boundaries of mainstream acceptability, the NC-17 rating fundamentally reaffirms the same conservative moral standards of the past, particularly in the Production Code, where more toleration is granted for violence than sex and any content that is

¹⁹⁰ *Ibid.*, 57.

¹⁹¹ Lois P. Sheinfeld, “Ratings: The Big Chill,” *Film Comment*, June 1986, 13.

¹⁹² Vaughn, *Freedom and Entertainment*, 220.

controversial or explicit is relegated to limited release or art houses.¹⁹³ Sandler finds that “like the Production Code, the rating system eventually became a gateway to the legitimate film marketplace: a code of production, distribution, and exhibition serving the major players in the industry.”¹⁹⁴

¹⁹³ See Stephen Prince, *Classical Film Violence: Designing and Regulating Brutality in Hollywood Cinema* (New Brunswick, N.J.: Rutgers University Press, 2003).

¹⁹⁴ Sandler, *The Naked Truth*, 57.

Conclusion

“The fact remains that the age restrictions of the NC-17 will always limit its usage by the MPAA and NATO, whose members are committed to the appearance of responsible entertainment not only in the Incontestable R but across all rating categories.”¹⁹⁵

At this point, it might not seem amiss to condemn the rating system and call for substantial regulatory reform; many critics do. However, the purpose of this thesis is not to discredit the current rating system but to examine how regulation through age categories constitutes and constrains viewing habits. In this sense, the rating system, powered by the film industry, is inherently driven by profitability as a “business pure and simple” while also tempered by cultural obligation. The rating systems works from a position of power in assigning ratings and relegating access to the mainstream marketplace. Since “power is exercised rather than possessed,” the MPAA and CARA have the authority to regulate films through rating assignments, but their power can be challenged and disciplined through public discourse surrounding film controversies.¹⁹⁶ In order to maintain the authority to self-regulate films, the MPAA must make amendments and adjustments in response to pressure from filmmakers, consumers, critics, and parents. Such a negotiation between an industry and an audience attempts to highlight the ubiquitous nature of power. Rather than focusing on the normative frameworks of “repression versus liberation” or “legitimacy versus illegitimacy,” the project builds on Foucault’s notion of domination and resistance as intertwined with film regulation.¹⁹⁷ The film industry can dominate audience members and film producers who actively resist these restrictions through public controversy.

¹⁹⁵ *Ibid.*, 204.

¹⁹⁶ Foucault, *Discipline and Punish*, 26.

¹⁹⁷ See Nancy Fraser, “Foucault on Modern Power: Empirical Insights and Normative Confusions,” *PRAXIS International*, issue 3 (1981): 282-283.

The process builds on negotiation as power is exercised on an individual and societal scale. For film researchers, regulation is often masked through industry rhetoric that praises the nature of the rating system in promoting freedom for the viewer, filmmaker, and industry while disregarding certain limitations in its application. In short, the rating system is far from perfect; however, it is necessary to ensure the commercial future of motion pictures and the overall freedom of controversial content.

To recapitulate, film regulation is best understood through the concept of controversy. Kendall Philips defines controversy as a middle stage that occurs after audiences react to a film but before the film industry responds to viewer feedback.¹⁹⁸ For many scholars, film controversy acts as an entry point allowing researchers to see the way film regulation performs on a case-by-case basis. For Lea Jacobs, controversy is characterized as a dynamic interplay of aims and interests that is often in tension and must be resolved through negotiation.¹⁹⁹ What might seem a simple task is compounded by the fact that researchers disagree on the correct terminology when referring to film regulation. However, film regulation and film censorship are distinct terms with separate meanings. Censorship refers to the omission or blockage of any film content during the production, distribution, or exhibition. In this way, censorship is typified in the Production Code era when film content was required to meet specific moral codes in order to be approved by the industry. In contrast, regulation refers to self-imposed restrictions by the film industry that function to benefit its long-term interests. The most recognizable form of film regulation is the MPAA rating system that separates film content into age appropriate categories.

¹⁹⁸ Phillips, *Controversial Cinema*, xv.

¹⁹⁹ Jacobs, "Industry Self-Regulation," 93-94.

In order to illustrate the transition from censorship to regulation, the history of film regulation should be examined through the prevailing themes of responsibility and profitability. For Kevin Sandler, film regulation is defined by two stages: harmless entertainment and responsible entertainment.²⁰⁰ During the early history of film regulation, the industry worked tirelessly to manage film controversies and minimize the power of local censorship boards. Without a unified front, the film industry feared government intervention during a time when Hollywood scandals and public demands for reform were front-page news. In response, the industry created the Production Code and PCA to act as a bulwark against government intervention and public pressure. The Production Code epitomized the industry's commitment to harmless entertainment through strict adherence to moral codes. These codes allowed the industry to maintain a responsible front in an effort to appease religious and cultural activists and forestall legal infractions. At the same time, the Production Code also helped stabilize the long-term interests of the film industry. Through studio compliance, the industry was able to self-regulate films and reduce the uncertainty of external censorship boards. Richard Maltby contends that the era of early film regulation was essentially industrial self-interest under the guise of ethical and moral responsibility.²⁰¹ The result was an inflexible adherence to harmless entertainment that sanitized film content by blocking anything that was not family-friendly fare.

The film industry based these self-imposed restrictions on early effects research that described motion pictures as an influential medium capable of great good but also great evil especially in vulnerable adolescents. In the preamble and rationale, the Production Code builds on these findings in order to advocate for the importance of industry self-regulation. The Code

²⁰⁰ Sandler, *The Naked Truth*, 43.

²⁰¹ Maltby, *Harmless Entertainment*, 6.

contends that PCA censorship is for the benefit of society by supporting spiritual and moral progress and correct methods of thinking. In doing so, the Code placed significant restrictions on certain forms of content such as sex, nudity, drug use, and crime. The overall moralistic tone of the code echoed many Judeo-Christian principles. Thomas Doherty contends that the Code fundamentally functioned as Catholic doctrine by imposing religious based standards of good and evil.²⁰² Regardless of religious connotation, the Production Code effectively reaffirmed the status quo in order to promote the lasting success of the film industry.

For over thirty years, the Production Code set the tone for film regulation through content censorship. However, the monolith of the past was beginning to crumble as cultural standards changed and legislative actions opened up the possibility for new regulatory measures. In 1952, the *Burstyn v. Wilson* court case (also known as the *Miracle* decision) positioned motion pictures within the realm of free speech as granted by the First Amendment. This monumental decision dramatically undermined the authority of local censorship boards by removing the longstanding assumption that the motion picture industry was a business pure and simple. Under these circumstances, the call for regulatory reform began to build. In an unprecedented move in the mid-1960s, the MPAA adopted a “Suggested for Mature Audiences” (SMA) label for several films that did not fit into the Production Code’s moralistic framework. The SMA label effectively undermined the old regulatory system and ushered in a new regulatory system based on age categories. The break from the past was heralded as a response to the changing times and championed as a progressive act for creative expression by industry members; however, closer analysis shows similar limitations between the Production Code and the current rating system.

²⁰² Doherty, “The Code before ‘Da Vinci.’”

In moving away from harmless entertainment of the past, the current rating system promotes responsible entertainment by reflecting parental standards and promoting films that meet general norms of acceptability. Although content is no longer restricted, rating assignments factor heavily into the marketability and commercial success of a film. For the PG-13 rating, profitability and responsibility are balanced to reach the widest possible audience while minimizing potential controversy. The success of such a middle ground rating leads some researchers to call the category the “Indisputable PG-13 rating.”²⁰³ Current trends show a saturation of PG-13 rating films entering the mainstream market in addition to grossing the most at the domestic box office. These numbers are not accidents. The PG-13 rating addresses a significant gap between the PG and R rating films. In 1984 several films shocked parents with their graphic content while being promoted as family-friendly fare. For the MPAA, as an advocate for children and informant for parents, the public outcry required a response. In adding the PG-13 rating, the MPAA effectively solidified a standard of acceptability for all film content. Although these standards *can* shift as seen in the cases of *Bully* and *Philomena*, they remain overall stringent.

Although the rating system is supposed to reflect parental standards rather than impose them, there is little evidence to suggest they reflect anything but the dominant and most vocal aspects of society. Although CARA actively defends its ability to reflect the standards of the average American parent through Rating Board members, Kirby Dick’s discovery of inconsistent practices with board members who served longer than required or did not have children within the required age limit give reasons for skepticism. Even if CARA holds closely to its own guidelines, the myth of the average American parent is not clearly documented or proven. In a sense, Rating Board members are asked to make quality judgements on what their children and other

²⁰³ Sandler, *The Naked Truth*, 202.

children should or should not see. Martin Barker addresses similar concerns when discussing what he calls “figures of the audience” or the “presumptive accounts of what the film might do or must do to its audience.”²⁰⁴ Barker finds that all reviewers of film draw from specific discourses in order to critique or defend particular films. When these discourses are used often, they become coherent and worthy of careful analysis. Although Barker’s examples rely on research commissioned by the British Board of Film Classification (BBFC), the same principles pertain to CARA’s Rating Board particularly in its presumptive accounts of the average American parent. Subsequent research needs to examine the ways critics and censors draw conclusions about films’ cultural meaning and significance, not just the average American parent, through film discourse.

In essence, the PG-13 rating equates what is profitable with what is acceptable. The MPAA’s cry for artistic freedom is often shackled to a film’s commercial success. To step outside of the Indisputable PG-13 rating, studios risk a significant revenue cut. Under these circumstances, films are expected to count expletives, avoid sexual nudity, and use animated rather than realistic instances of violence to obtain the money sweet spot. As a result, PG-13 films that promote acceptable forms of content bombard all viewers, not just adolescents. The implications of such a move are yet to be fully understood. The FTC’s review of film ratings only scratches the surface of potential cultural and behavioral trends that arise in response to specific standards like animated violence. Future research should consider the way the PG-13 rating constructs and constrains American culture and how cultural events, in turn, influence standards of acceptability.

²⁰⁴ Martin Barker, “The Challenge of Censorship: ‘Figuring’ out the Audience,” *The Velvet Light Trap*, no. 63 (2009): 58, doi: <https://doi.org/10.1353/vlt.0.0028>.

In contrast to the PG-13 rating, the NC-17 rating pushes the boundaries of acceptability through content that is explicit and directed at adults instead of adolescents. Although explicitness carries the connotation of sex and sexuality, the original X rating and subsequent NC-17 rating meant to rejuvenate the adults-only category. Although several films such as *Midnight Cowboy*, *Last Tango in Paris*, and *Clockwork Orange* highlighted the potential for X rated film, the rating soon fell prey to so called "dirty films" that exploited the category by self-applying the unlicensed X rating to pornographic content. With the proliferation of hard-core and soft-core films in the early 1970s, the public began to associate the X rating with pornography and the XXX. Because of this stigma, major distribution and exhibition outlets would not promote X-rated films. In a snowball effect, filmmakers would be contractually obligated to produce R rated films because the major studios would not risk financial failure on big-budget films.

In the end, the MPAA was pressured by industry members who wanted to legitimize the adult-only category by addressing the growing problem with the stigmatized and, therefore, unmarketable X rating. In response, the MPAA introduced a new NC-17 adults-only category. The new rating was copyrighted and could not be self-applied without CARA's consent. At first, the rating seemed to address the major shortcomings of the X rating; however, Sandler contends that the NC-17 rating was nothing more than a makeover of the same systematic practices. As *Show-girls* demonstrates, the NC-17 rating was stuck with the same stigma of the X by not fitting into cultural standards of acceptability. Even if there was an audience for serious adult films, filmmakers and studios could not market NC-17 rated films to the public. Without access to the mainstream market, the NC-17 rating soon became as ineffective and illegitimate as the previous X category. Sandler describes the collective shunning of the NC-17 rating as a form of boundary maintenance while more "acceptable" ratings like the R and PG-13 grow and thrive.

Because of its stigma, the NC-17 rating regularly incites debate on the integrity of CARA and the Rating Board. Instead of coming from parents as seen with the PG-13 rating, most NC-17 controversy arises from industry members who find the adults-only category too restrictive. Common criticisms accuse the Rating Board of bias in the treatment of specific content such as heterosexual versus homosexual sex scenes. However, such accusations are largely unfounded. CARA's treatment of explicit content is not perfect; however, it is consistent regardless of orientation or preference. In the same manner, criticisms that accuse CARA of giving preference to MPAA signatories over independents are also inflated. Although there is evidence to suggest regulatory courtesies, where MPAA signatories receive more information on how to edit films to receive a desirable rating, the assignment of ratings is the same across the board for majors and independents. In fact, the biggest controversies arise when independents air their concerns and accusations to the press and public in order to gain free publicity for their films. Under these circumstances, the most enduring and justified criticism against the NC-17 is not bias or preferential treatment but the way the rating limits access to the legitimate marketplace for serious adult films. In this way, the rating system promotes creative freedom while simultaneously constraining certain actions through standards of acceptability, boundary maintenance, and access.

Limitations and Future Research

As with any research project, there are certain limitations that hinder the success of the researcher. In the case of film regulation, the biggest hurdle lies in the unbreakable secrecy of the rating system. The MPAA and CARA remain closed to everyone except internal members. Because of this, researchers are not granted access to organizational documents. Jon Lewis addresses the trade organization's strict adherence to confidentiality when he states, "The MPAA offices

in New York guard CARA transcripts. All records of the Rating Board since its inception in 1968 are kept secret.”²⁰⁵ Without access to primary documents, researchers are required to rely on public discourse, news articles, and secondhand accounts to formulate ideas about the inner workings of the rating system. During a discussion on the future of regulatory studies, Sandler addresses the inherent problem of access. He states, “CARA’s case files, however, remain classified...Therefore, to research over four decades of Hollywood self-regulation scholars must not only rely on the few primary sources publicly available on CARA but also conduct investigations beyond its borders.”²⁰⁶

One limitation of this project is its inability to reference the entirety of Richard Heffner’s personal account of his tenure as chair of CARA from 1974 to 1994. Housed at Columbia University, these papers and oral recordings provide a wealth of knowledge about CARA in its early stages. Although Heffner’s records are dated compared to current events, his references and insights can provide necessary context to contemporary research on access and acceptability. In addition, personal interviews with industry members and parents could have provided insight into the ways the PG-13 and NC-17 ratings construct and constrain access and viewer choice. In doing so, such a focus would need to commit to cultural fieldwork and qualitative analysis. This project was limited, in this regard, on time and funding to adequately complete field research. Instead, the project relies heavily on news articles and public websites to capture audience and industry perspectives.

²⁰⁵ Lewis, *Hollywood v. Hard Core*, 298.

²⁰⁶ Kevin Sandler, “The Future of U.S. Film Censorship Studies,” *The Velvet Light Trap*, no. 63 (2009): 70, doi: <https://doi.org/10.1353/vlt.0.0028>.

Another limitation of the project is its inability to introduce the digital and home video aspect of motion pictures to the discussion of film regulation. Despite the emphasis on box office success, numerous films have thrived from DVD sales and digital downloads in addition to auxiliary markets. As a result, there is much more to motion pictures success than box office numbers. However, this research was naturally limited by viewing regulation through the lens of film controversy, which typically occurs during the production and initial theater exhibition stages. Future research could examine the way that home video sales affect regulatory practices especially through digital platforms. The globalized component of entertainment media should also factor into regulatory discussions as markets and demographics grow and diversify. Although this project did not include DVD releases, subsequent research into film regulation will benefit from textual analysis of rated and unrated releases of the same motion picture. These comparisons can shed light on the way films are edited in order to obtain a more desirable rating. Furthermore, DVD collections that include bonus material with director commentary can provide invaluable insight into the industry's regulatory measures and rating process.

In building on the concepts of negotiation and resistance, there are moments when audiences and filmmakers begin to push back against regulatory structures through boycotts, complaints, etc. These areas of tension provide ripe opportunity for future research to delve into the complex relationship between culture and industry. Instead of using a top-down perspective, future research should explore the impact that audiences and industry members have on film regulation. In other words, the motivations that prompt individuals to talk back or discipline the regulatory system on a personal basis. Sometimes this could mean stepping outside of the rating system to include regulation on the topic of piracy and copyrights. These areas in turn shape the

way audiences receive motion pictures and touch on how some individuals circumvent the system to access films that are not readily available in their region.

Finally, in continuing to explore the balance between responsibility and profitability, regulatory studies can continue to branch out into other forms of popular entertainment such as television ratings, video game ratings, and even regulation in fan fiction and user generated content in order to get a better understanding of how regulation controls and constrains individual interactions with entertainment media in today's saturated environment. Building on Zach Saltz's understanding of regulation as protecting the very content it ostensibly seems to restrict, regulatory studies must take into account the productive as well as restrictive properties of regulation regardless of the platform or medium.²⁰⁷ In the end, regulatory studies can provide unprecedented insight into the standards and norms of society and culture in a world that is receptive to entertainment media.

²⁰⁷ Saltz, "The Newest Significant Medium," 72.

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