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**EXPLICIT CONTENT: A DISCUSSION OF THE MPAA FILM RATING SYSTEM
AND THE NC-17 RATING**

by

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**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT
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**PROFESSOR FRIEDLANDER
PROFESSOR MACKO**

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Wayne Kramer (director, *The Cooler* (2003))—*I remember what happened, I was just going into a meeting and I got a phone call and it was the producer of the film saying 'guess what, we just got an NC-17 from the MPAA' and I went 'Oh sh*t,' and so I said 'Was it for that first scene?' And they said 'No it was because there was a glimpse of Maria's pubic hair in the second scene' and I was just like 'What?!'*

Maria Bello (actress, *The Cooler*)—*Just a couple of months before, I had gone to see a horror film [Scary Movie] that was rated R. It was a "funny" horror film and in the first 10 minutes a woman gets her fake breasts cut out and there is blood everywhere, and that's what made me so furious to want to go in and fight for my pubic hair. I was like 'Don't tell me. I'm a mother'. Why should that movie get an R and why for seeing my pubic hair did we get an NC-17 when it was this, you know, beautiful moment between two people that had a lot to do with love.*

Wayne Kramer—*You know, by the time we get to the scene they found offense with these people are committed to each other. It's a real love story, it's not promoting promiscuity. It's about the intimacy of their situation, and the power of the camera being on [her] face is what I think caused the MPAA to give that scene an NC-17, but because they couldn't reach inside themselves and realize why it felt so real, I think the next thing they saw was a glimpse of Maria's pubic hair and they thought 'Oh that must be it.' You know. And I don't feel that anyone who saw the uncut version of the film would have gone home and wanted to rape the next woman on the street or feel like they were brain damaged from seeing a woman's pubic hair. I mean I just don't know what the big deal is...*

This Film Is Not Yet Rated (2006)
Dir. Kirby Dick—(Rated NC-17)

Introduction

Thanks to the Internet, in this day and age the public has virtually unlimited access to explicit visual material—whether it be pornographic, violent, subversive, or all of the above. Due to the vastness of the Internet it is virtually impossible to truly implement any form of content regulation, and videos far more ‘explicit’ than Wayne Kramer’s film *The Cooler* can be located and viewed online by anyone with a basic knowledge of how the Internet works, and this notion applies not just to pornographic material, but to violent material as well. Film comprises just one subset of the media’s influential power in today’s world, and “Hollywood cinema [in particular,] has figured importantly in efforts to posit media as significant forces in the consolidation, extension, and continuation of [an] established social order.”¹ Hollywood has the power to affect the cultural consciousness through the images and symbols encoded in its products, which is facilitated by its media conglomerates, who have the power to reach audiences all over the country and the world. As accessibility to its products has increased exponentially in the past decades with the introduction of the Internet, its ability to reach people has only increased, and so it is important to question what the ‘big deal’ is nowadays in terms of a film’s content-based impact. The current content-based film rating system was put in place prior to the rise of the Internet and modern technology, and while distribution practices have adapted with the times, the rating system has not experienced similar growth.

One needs only to look at the news on any given day to see that stories involving some degree of sex and/or violence dominate our cultural consciousness, and it is these two themes which have instigated the most significant implementations of film censorship over the years.

¹ David J. Slocum, “Film Violence and the Institutionalization of Cinema,” *Social Research* 67.3 (Fall, 2000): 649.

The topic of film censorship and specifically what I believe to be a biased censorship of sexual versus violent content, is important to understand and evaluate, because in the rating system's current state, films like *The Cooler* continue to get targeted and stigmatized by the NC-17 rating. In contrast, excessively violent films continue to receive R ratings from the MPAA. Within the application of the NC-17 rating, strong contradictions can be seen not only between sexual and violent content, but between different forms of sexual content which doesn't constitute what the system has deemed to be 'normal.' What I seek to ultimately assess is the cultural impact of these ratings decisions in order to comprehend what actually constitutes an NC-17 rating in this day and age, and further, assess who those ratings are affecting. In tracing its history throughout different censorship practices in order to analyze what content the NC-17 rating actually censors, I plan to combine pre-existing research from similarly-minded scholars, critics, and filmmakers with my own findings in order to assess the discrepancies which I believe exist between the rating system's treatment of sexual and violent content, and ultimately envision an alternative to the current rating system. It is not, however, enough to simply say that the system is flawed, because there are many other factors which go into the control of the film industry's output. I believe that the system's power exists because Hollywood's production and distribution practices reinforce it, and so I endeavor to fuse an analysis of these two factors of censorship and distribution into a discussion of the cultural implications of what and whom the rating system privileges and stigmatizes.

The MPAA, its Rating System, and its Signatories

In its current state, the film industry is marked by a gap in distribution and viewership that is beginning to close between big-budget productions financed by major studios and smaller independently produced films. Although there is seemingly unlimited creative freedom, the

success of a film depends on its marketability, and so this freedom is curbed by two intertwined factors: how much money a film can make, and how many people can see the film. The confluence of these two factors is important to analyze, and specifically the way in which the current system of film evaluation, or rating, dictates a film's audience and ensuing revenue.

When a film is made, prior to its release in theaters it is submitted to the Classification and Rating Administration (CARA) board of the Motion Picture Association of America (MPAA). The MPAA is funded almost entirely by its signatories, which are comprised of the country's major distributors—Sony, Warner Brothers, Universal, Walt Disney, Paramount, and 20th Century Fox, and it is important to note that these companies control more than 95% of the U.S film business, and are all part of larger conglomerates which together own more than 90% of all media in the U.S.² The CARA board is shrouded in extreme secrecy and is composed of eight to thirteen full-time and part-time salaried members who are mainly parents and hired by the chairperson to serve three-to-five year terms.³ The funding for this board comes from fees charged to producers and distributors for the rating of their films.⁴

Once a film is submitted to CARA, it receives a rating through a majority vote of either G (general audiences), PG (parental guidance suggested), PG-13 (parents strongly cautioned), R (restricted) or NC-17 (no one under 17 admitted). After receiving a rating, the distributor or producer can choose to accept the rating or not. Should a film receive a rating which they disagree with, they can inquire about the reasons for the rating and can make cuts and/or edits to the film and resubmit it to try for a less severe rating. It is important to note that in this process,

² *This Film is Not Yet Rated*. Dir. Kirby Dick. IFC, 2007.

³ Kevin S. Sandler, *The Naked Truth: Why Hollywood Doesn't Make X-Rated Movies* (New Brunswick, NJ: Rutgers University Press, 2007) 126.

⁴ *Ibid.*, 125.

the ratings board examiners “never tell a filmmaker *how* specifically to cut a film, [and] only describe in the most general terms the offending moment[s] or scene[s].”⁵ Should the director and/or distributor choose to make an appeal rather than make edits to their film, they then go to the Appeals Board which, like the ratings board, is also shrouded in extreme secrecy and is composed of eighteen to twenty-four anonymous individuals.⁶ About the appeals process, director Wayne Kramer states in *This Film is Not Yet Rated* that the process is “not like a legal proceeding where you can quote precedent” to provide context, and ultimately it is their decision that is final.⁷ Finally, if the producer is still not satisfied with the rating, he or she can choose to instead release the film as unrated which, like in the case an NC-17 rating, will also impact the film’s distribution and ultimately its ability to generate profit and critical acclaim.

This system of self-regulation is considered to be voluntary because it is separate from any form of governmental censorship which means that the CARA board “has no legal power to prohibit anything from being produced, distributed, or exhibited in the United States.”⁸ The only time the law comes into play is with the NC-17 rating, which prohibits anyone under the age of seventeen from seeing the film even with parental guidance. According to journalist Richard Corliss in his *Time* article critiquing the MPAA entitled “Censuring the Movie Censors,” although the rating system is separate from government censorship, it is only “Voluntary to the studios, that is. Mandatory to filmmakers, who must fashion their films to fit the contours of an R rating, or suffer the consequences” of limited distribution.⁹ He then goes on to set up the paradox between creative visions and business, or rather, art and commerce:

⁵ Sandler (2007), 123.

⁶ Ibid., 125.

⁷ *This Film is Not Yet Rated*, Dir. Kirby Dick

⁸ Sandler (2007), 14.

⁹ Richard Corliss, “Censuring the Movie Censors,” *Time* (September 2, 2006): 2.

"For an American filmmaker, art and commerce are always in tension. The artist wants his film to be seen as he envisioned it. The businessman, who's taken millions to make the picture, also needs to satisfy his investors that the product will go into the widest market. An R-rated movie can play in any U.S movie house; an NC-17 is verboten to many large theater chains and video stores."¹⁰

While this mode of censorship may appear to promote creative freedom through a voluntary system, this freedom is only voluntary in a legal sense, and thus, illusory in the literal sense due to the way in which distribution and production practices are affected. According to author Kevin S. Sandler in *The Naked Truth: Why Hollywood Doesn't Make X-Rated Movies*, the joint entity of the MPAA and its signatories "use their power[s] to maximize profit, expand markets, and circumvent competition at the expense of democratic participation. Censorship products, as a result, incorporate ideologies and values that celebrate the corporate state rather than a nation's citizens."¹¹ In the current state of the film industry, studios finance and release films that will receive either an R or a PG-13 rating in order to secure a maximum profit by appealing to large audience demographics, and further, the NC-17 rating not only limits audiences by law, but also has developed a stigma which dissuades directors and distributors. Sandler elaborates on this perceived bias by explaining that "Since the majors will not release a picture without a rating (per their agreement with the MPAA) or release an X/[NC-17] picture (because of the rating's stigma), the Rating Board (which ultimately serves the interests of the MPAA) must eventually accept a submitted cut of the film, awarding it an unjustified R rating," which implies that films produced by major studios pay for their R rating through their partnership with the MPAA and the understanding that their films will only ever receive an R or lower—even if it takes multiple

¹⁰ Corliss, 2-3.

¹¹ Sandler (2007), 16.

cuts in order for that to happen.¹² Although Sandler’s assessment is as blunt as it is subjective, it nonetheless one which I believe to be correct, and its accuracy will be made clear in the following pages.

The Pre-Classification Era of the Hays Code

Although the last century saw the birth and rapid growth and expansion of the medium of film, that process never went unregulated, and it is important to trace the history of film’s regulation in order to understand what we as viewers see when we go to see a movie or stream it onto any one of our electronic devices. The topic of regulation and censorship is paramount to this discussion, but in order to assess its power in contemporary moviemaking practices and popular culture, a history of its manifestations is a necessary component in developing a thorough understanding. The first major congressional act of censorship to influence the film industry came in 1915 after a series of “heavily publicized scandals [and] antitrust charges” came out of Hollywood and rendered its practices corruptive, which resulted in the 1915 Supreme Court *Mutual* ruling that the “motion picture industry was not deserving of free speech.”¹³ This ruling was extremely significant in setting the stage for later acts of censorship under systems of production and later classification, and it is because of Hollywood’s marred image at this time that systems were put in place to censor its output.

In 1922 the Motion Pictures and Producers of America (MPPDA—renamed the Motion Picture Association of America (MPAA) in 1945) was established “to restore a more favorable image for Hollywood and to prevent governmental interferences in its operations,” and with its

¹² Sandler (2007), 65.

¹³ *Ibid.*, 19.

inception came the first structured system of film regulation.¹⁴ The production code that was established was strongly restrictive and effectively controlled all aspects of a film because of the way in which it censored it from the moment of production to ensure that it would not exhibit any content which could be considered corruptive. In 1930, MPPDA President Will Hays expanded upon previous drafts to add a moral foundation to the production code which would become known as the 'Hays Code' and would be regulated by the Studio Relations Committee (SRC) which evaluated films on a case by case basis.¹⁵ The general principles of the Hays Code were as such:

1. No picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience shall never be thrown to the side of crime, wrong-doing, evil or sin.
2. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented.
3. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.¹⁶

These guidelines took a strong stance of moral absolutism against topics like sex, violence and profanity because during this era all films were released under the expectation that audiences of all ages could see them, and so a thorough policing of the film industry was made possible by ensuring from the moment of production that no objectionable material entered a film. The Hays Code and its guidelines for production essentially exercised total control over the American film industry because films had to have the stamp of approval from the Production Code Administration (PCA) in order to be released, or be fined \$25,000 for failure to abide by the

¹⁴ Sandler (2007), 19.

¹⁵ Ibid., 20.

¹⁶ Ibid., 21.

code.¹⁷ Further, MPPDA member companies also agreed to not exhibit any films that did not carry the PCA seal.

The era of the Hays Code encompassed decades of major growth in terms of production practices and output within the film industry, as well as evolving and shifting attitudes towards the possibilities of film, and it was during this era that the Code's treatment of sex and violence began to be defined. In his book entitled *Sex and Violence: The Hollywood Censorship Wars* author Tom Pollard, who is a critic of the MPAA's rating system, posits that the "The Hays Code censored sex far more stringently than it curbed violence," and prohibited any sort of sexual perversion, especially homosexuality.¹⁸ Although this code functioned to eliminate corruptive sexual content prior to a film's production, it in contrast did much less to police the inclusion of violent content. Under the code, it was "famously mandated that [although] crime must never pay," graphic violence would be permitted "so long as it was directed toward a worth enemy, including organized crime, Nazi Germany, Fascist Italy, and the Empire of Japan."¹⁹ From this evidentiary support, it can be seen that unequal standards were applied to the subjects of sex and violence from very early on in the film industry, although it is important to note that even in spite of the strictness of the Hays Code, film production diversified during this period in terms of technological practices and advances, as well as subject matter. Both of which progressed along with shifting post-war attitudes about what exactly constituted responsible versus objectionable entertainment.

¹⁷ Tom Pollard, *Sex and Violence: The Hollywood Censorship Wars* (Boulder, CO: Paradigm Publishers, 2009): 53.

¹⁸ *Ibid.*, 54, 83.

¹⁹ *Ibid.*, 84.

Although production during the Hays era was kept on a tight leash in order to avoid content considered to be morally corruptive, the period was ironically marked by corruptive production and distribution practices on behalf of the studios. It is important to note that during this period the major studios exercised control over the industry through the ownership of all major theaters. This enabled them to engage in practices such as block-booking, ensuring that only their films were being released, and “[so] by distributing the most sought-after products and owning the best theaters, the majors effectively dictated the terms of what could play, where it could play, and how long it could play.”²⁰ These practices continued on for a number of years as studios continued to monopolize their hold on the film industry while the PCA censored their production in order to assure that all content was in accordance with the moral principles of Hays’ Code. It was not until a Supreme Court ruling in 1948 created a radical change in the industry that the studios’ monopolizing distribution and exhibition practices began to change. Known as the *Paramount* decision, this ruling “ended the vertical integration of the motion picture industry” and “ordered the Big Five [studios] to dispose of their theaters” and cease to engage in monopolizing [exhibition] practices like block booking.²¹ Although the *Paramount* decision was a crucial inhibitor of the studios’ monopolizing power, they still retained their power through their relationship with the PCA even if they could no longer be the sole entities in control of production, distribution and exhibition. This partnership between the system of censorship and the distributors of its products presented a model which has continued to exist and define the business of Hollywood even after the Hays Code was replaced by a new system.

²⁰ Sandler (2007), 26-27.

²¹ *Ibid.*, 27.

The Birth of Classification

In looking back upon the history of American society as a whole, it can be seen that the 60's and 70's were periods of fundamental change which can be traced a number of different ways, but in tracing the history of filmmaking we can identify specific moments of significance that point to larger cultural shifts. Momentarily looking outside of the rating system's influence during these years, it is important to look at how attitudes towards sex as well as violence shifted dramatically and were represented on screen. During this period, the influence of television on the American public gained serious traction as "images of brutal action and its consequences, particularly those related to the Vietnam War and domestic conflicts, set a high standard for the immediacy and insistence of violence in society."²² According to David J. Slocum in "Film Violence and the Institutionalization of Cinema" the later 60's and early '70's represented "the golden age of American film violence" which "became the period known literally as that of "New Hollywood" for its challenges to Classical Hollywood production practices, generic and storytelling norms, and guiding cultural myths."²³ This period was crucial to both American cultural and film history, and it was marked not only by loosening attitudes towards sexuality and counter cultures, but also by large shifts in attitudes towards the government and its place in people's lives, which would ultimately serve as one of the instigators for the replacement of the Hays Code.

In 1966, former Lyndon Johnson aide Jack Valenti became president of the MPAA and the film industry's production, output, and influence was dramatically altered by the formation

²² Slocum, 660.

²³ Ibid., 658.

two years later of a new system for film regulation which still stands today.²⁴ In the years leading up to Valenti's institution as president of the MPAA, the attitudes of directors and distributors towards the Hays Code's restrictions had started to sharpen, and the code's hold had begun to weaken as exceptions to its rigid standards started to appear in popular films like *The Moon is Blue* (1953) which dealt more directly with the subject of sex, and *Who's Afraid of Virginia Woolf?* (1966) which contained verbal profanities.²⁵ Exceptions of this nature became the final instigators for a complete overhaul of the Hays Code and its regulatory board of the PCA, and on November 1st, 1968 Jack Valenti "promised a new form of Hollywood entertainment" when he instituted a new and modernized rating system after several drafts, agreements, and ultimately a partnership between the MPAA, the National Association of Theatre Owners (NATO), and the International Film Importers and Distributors of America (IFIDA).²⁶ Known as CARA, or, the Code and Rating Administration (changed in 1977 to Classification and Rating Administration), the new system differed dramatically in form from the Hays code because it did not censor films from the moment of production, and instead assigned them a rating after their completion. The assignment of different age categories, rather than all-or-nothing approach to audience suitability, allowed directors greater creative freedom in their filmmaking process, and perhaps most importantly, it became clear that "moral absolutism, once the backbone of the Production Code, gave way to a moral relativism under classification," although this relativism would not end up being universally applied.²⁷ The implementation of this classification-based model suggested that "a new era of cinematic freedom free of the industrial state, and church interference" had been ushered in, but according to many media scholars like Sandler, with the

²⁴ Sandler (2007), 36.

²⁵ *This Film is Not Yet Rated*, Dir. Kirby Dick.

²⁶ Sandler (2007), 41.

²⁷ *Ibid.*, 43.

implementation of the new rating system Hollywood merely “updated its business practice (a rating system enabling free expression) without changing its business model (entertainment for all ages).”²⁸ Under this new classification-based code, the once heavily restricted subjects of sexuality, violence and profanity were given much more freedom in terms of their representation on screen because directors and producers were no longer required to make films which could be viewed by audiences of all ages.

For approximately five years, American cinema did enjoy a sense freedom from the restrictions it previously had under the Hays Code, and during this era production flourished as “mainstream filmmakers, distributors, and exhibitors took advantage of the creative freedom and notoriety provided by an adults-only category, as did exploitation filmmakers and pornographers,” which resulted in initial confusion over the X rating and what it actually restricted.²⁹ This confusion divided the adults-only marketplace into three areas. The first of these areas consisted of ‘serious adult dramas’ which were mostly distributed by MPAA signatories/major studios, and incorporated graphic, though simulated, sex scenes and/or adult subject matter (for example Stanley Kubrick’s *A Clockwork Orange* (1971)).³⁰ The second area consisted primarily of campy B-movies which were ‘soft-core’ (although still stimulated) exploitation films which included some degree of stylized violence. Director Russ Meyer’s body of work encompasses the standards of soft-core, and two famous films of his are *Faster, Pussycat! Kill! Kill!* (1965) and *Cherry, Harry, and Raquel!* (1970).³¹ The third and final category encompassed ‘hard-core’ and un-simulated pornography like the famous 1972 film

²⁸ Sandler (2007), 17, 41.

²⁹ Ibid., 48.

³⁰ Ibid., 48.

³¹ Ibid., 48.

Deep Throat.³² These categories were all different from each other in terms of their content, production, distribution, overall ‘message’, and target audience, although all fell somewhere under the spectrum of what constituted X-rated entertainment. The MPAA did not copyright the X rating since it charged a fee for its rating service, and so according to Valenti the system had to have a rating which allowed distributors that chose not to submit their film to CARA the option to release it under the ‘open-ended’ X rating. As a result of its open-endedness, the rating quickly became appropriated by the pornographic market, and by 1969 newspapers as well as TV and radio stations had begun rejecting advertising for X-rated films because the rating had already begun to become associated with morally objectionable entertainment.³³ This occurred despite the critical and artistic success of the Oscar-Winning X-rated film *Midnight Cowboy* (1969), which fell into the ‘serious adult film’ category while also dealing with controversial themes of male sexuality and homosexuality.³⁴

Even with the success of *Midnight Cowboy*, the quick and systematic stigmatization of the rating continued to grow and coincided with the growth of the 70’s ‘Porno-Chic’ fad. About the topic of sex in 70’s films, former MPAA rater Stephen Farber states in *This Film is Not Yet Rated* that “Frankly in the 1970’s you probably saw more sexually explicit material in a lot of movies than you see now,” because of the way in which pornographic filmmakers utilized the rating’s first-amendment protection to their advantage.³⁵ Stemming from a groundbreaking Supreme Court ruling that granted individuals the right to “possess obscene materials in the privacy of their home[s],” the market for pornography increased exponentially.³⁶ Sandler

³² Sandler (2007), 48.

³³ *Ibid.*, 50.

³⁴ Sandler (2007), 51.

³⁵ *This Film is Not Yet Rated*, Dir. Kirby Dick.

³⁶ Jody W. Pennington, *The History of Sex in American Film* (Westport, CT: Praeger Publishers, 2007): 56.

emphasizes that “the ruling effectively eliminated the theatrical exhibition of pornography (except in a few cities) and saved Hollywood” by making it possible for pornography to effectively establish its own market which could exist separately from that of Hollywood.³⁷ The viability of the market for pornography, which became more publicly acceptable during this period, can be read as a facet of the shifts in cultural consciousness which were taking place in American society during this time, even though Hollywood and the rating system continued to stigmatize sexuality in its own products. The Porno-chic fad in this era presents an interesting paradox because while the influx of such material increased significantly with the freedom afforded by the rating system, and increased in popularity due to its ability to locate and cater to its wide audience, this increase in popularity also resulted in an increased stigmatization of it from those in power (Hollywood and the MPAA) who believed it to be morally objectionable. As a result of the confluence of all of these factors, the period under which the X rating flourished soon came to an end as it “became clear that if filmmakers wanted to make responsible Hollywood entertainment in the classification era, they had to make it with an R rating or go outside the legitimate theatrical marketplace.”³⁸ In essence, Valenti’s new code did little to truly allow filmmakers the artistic freedom of the ‘New Hollywood’ which it promised, and provided “little chance for serious artistic filmmakers to adopt the [X] rating” before it became so stigmatized as ‘smut’ and ‘irresponsible entertainment’ that it would eventually become known as a poor financial investment, or rather, box-office poison.³⁹

Before continuing further with the history and implications of the rating system, it is important to again recognize the cultural impact of the MPAA’s signatories in the filmmaking

³⁷ Sandler (2007), 7.

³⁸ Ibid., 48.

³⁹ Ibid., 48.

industry. Although Valenti implemented a new system which was meant to promote creative and artistic freedom, as the President of the MPAA and overseer of CARA, which are both funded by the major signatories, he was effectively being paid by them to protect their economic and political interests through this new rating system. Sandler states that during this period of vast change “Hollywood rediscovered how to make money, [and] the R rating solidified itself as a marker of responsible entertainment in the New Hollywood,” which put emphasis on the notion that “the birth of the Incontestable R, in effect, was the death of the Hollywood X.”⁴⁰ This period of American filmmaking dealt with so much more than just the rating system, as it developed alongside the radical cultural shifts which were changing American society, the most significant of which was the rise of the modern blockbuster, which Slocum explains:

Beginning with *Jaws* (1975) and, especially, *Star Wars* (1977), New Hollywood imperatives were superseded by a "blockbuster mentality." This new mentality drove many studios to reduce creative risk-taking in search of huge returns from more formulaic entertainments that could be advertised on television, released to more than 1000 domestic theaters simultaneously, distributed readily to foreign markets, and accompanied by profitable merchandizing.⁴¹

Throughout the 80's not a single mainstream film released by one of the major studios received an X rating, and this emphasis on responsible entertainment was joined with the 'blockbuster mentality' of major studios.⁴² Steven Spielberg is a blockbuster director who “exercised great leverage over the rating system’s representation of violence” during this time, and was instrumental in instigating the 1984 implementation of the PG-13 rating, which, according to Sandler, “evaded concerns about rising levels of sex and violence in the movies, sidestepped the

⁴⁰ Sandler (2007), 57, 60.

⁴¹ Slocum, 661.

⁴² Sandler (2007), 83.

installment of more specific information on all ratings to the public, and diverted discussion from negligent rating enforcement at many theaters.”⁴³ On the topic of violence as a revenue-generator, Pollard posits that “Hollywood studios rely on graphic images of violence to attract audiences” and it was during this era after the birth of the ratings system that they began to truly cater to this market which the ratings system had opened up for them because it “not only tolerates violence; [but] it has unleashed it upon the public as never before.”⁴⁴ The code allowed for films to appear with higher levels of violence than any released in the Hays era, and “include[d] graphic scenes, filmed in slow motion, of bullets raking bodies, blood spurting from wounds, and other violent images.”⁴⁵ In essence, the implementation of the PG-13 rating changed virtually nothing about the filmmaking process or its content, and merely provided the major studios with the ability to produce films with a larger degree of explicit content while still retaining the ability to exhibit them to their target audiences in order to maximize profits.

During this period of filmmaking, it has been shown in two content based studies conducted through the American Medical Association (AMA) by Fumie Yokota and Kimberley M. Thompson that an increase and emphasis on not just violent content occurred, but also an increase in ratings leniency lent to films with violent content.⁴⁶ In order to “characterize available information about violence, sex, and profanity content of movies as a function of rating” and “test the hypothesis that age-based ratings became less stringent over time” Yokota and Thompson’s study, “Violence, Sex, and Profanity in Film: Correlation of Movie Ratings With Content” developed a database of movie ratings from all films released from 1992-2003

⁴³ Pollard, 132.

⁴⁴ Ibid., 132.

⁴⁵ Kimberly M. Thompson ScD, and Fumie Yokota PhD, “Violence, Sex, and Profanity in Films: Correlation of Movie Ratings With Content,” *Medscape* (July 12, 2004): 1.

⁴⁶ Ibid., 1.

that compiled revenue and budget as well as MPAA ratings with content-based scores from parental guidance websites 'Kids-In-Mind' and 'Screen it!'.⁴⁷ Yokota and Thompson found “significantly higher rated content in movies as a function of time, suggesting that the MPAA applied less stringency in its age-based ratings over time,” and also found “significantly higher gross revenues for PG-13 and R-rated films when comparing films that received an MPAA rating reason for violence compared with those films that did not.”⁴⁸ These findings from Yokota and Thompson’s study are crucial because they add quantitative and statistical proof to the proposed hypotheses about the MPAA’s lack of ratings consistency, and also lend proof to hypotheses about the emphasis of violence in the PG-13 and R markets as a money-making apparatus in blockbuster filmmaking.

Ultimately, as creative risk-taking was superseded by the desire on behalf of studios to generate huge box-office and merchandizing returns, there was no chance for the X rating to gain any traction in the market because it limited audiences by law and then divided them because of its stigma. The X rating was never meant to function within the culture of filmmaking which the signatories produced, the MPAA promoted and maintained, and NATO theaters exhibited. According to Bingham Ray (co-founder independent production company October Films) the system "target[s] independents because the system is set up to *favor* the studios, and because the independent filmmaker is *independent* of the studios," they are then punished by the system for straying from it.⁴⁹ These groups (MPAA and its signatories, NATO) were and still are all intertwined, and although the option of independent production studios and independent art-

⁴⁷ Yokota and Thompson, 1.

⁴⁸ *Ibid.*, 1.

⁴⁹ *This Film is Not Yet Rated*, Dir. Kirby Dick.

house theaters existed and still exist today, they comprise a separate film culture which the rating system never meant to endorse.

The Life and Death of the NC-17

By the 90's it had become clear that the X rating was not only stigmatized, but also outdated. The X rating had been awarded to a small slate of independently produced and distributed films whose directors had refused the rating (most notably rising Spanish filmmaker Pedro Almodóvar, in defense of his 1990 film *Tie Me Up! Tie Me Down!*) and instead released the films unrated to "a less-than-accommodating exhibition and media climate."⁵⁰ On September 27th, 1990, the MPAA (still headed by Valenti), in conjunction with NATO, replaced the X rating with NC-17 and copyrighted it so that pornographers could not apply it to their films in the same way as they had with the X rating.⁵¹ The MPAA also added five-to-ten word explanations to the R ratings it gave out in order to inform parents whether the film contained violence, explicit language, and/or sex. The new rating took effect immediately, and was endorsed by many groups and individuals, while others maintained that the rating would still retain its stigmatized pornographic connotation. Universal's *Henry & June* (1990), which told the story of writer Anaïs Nin's complicated relationship with Henry Miller and his wife, became the first film to receive the new rating, and the decision on the studio's part to release the film with the NC-17 rating appeared "to indicate that Hollywood studios and exhibitors were now willing to release adults-only product."⁵² The film only saw limited success, however, and did little to instill faith in the new rating. Sandler indicates that in truth, "the NC-17 rating was a rating

⁵⁰ Kevin S. Sandler, "The Naked Truth: "Showgirls" and the Fate of the X/NC-17 Rating," *Cinema Journal* 40.3 (Spring 2001): 75.

⁵¹ Sandler (2007), 85.

⁵² Sandler (2001), 75.

modification rather than a system overhaul, a no-lose proposition for the industry” because most NATO exhibitors ended up shifting their pre-existing policies towards X rated content onto NC-17 films.⁵³ In line with these decisions was Blockbuster Video, the largest video chain, which announced a no-NC-17 policy after protests and boycotts coming from religious and family groups.⁵⁴ In essence, the NC-17 rating’s implementation did nothing to open up the market for adults-only films and only a month after its implementation, *New York Times* film reviewer Janet Maslin described the NC-17 as “an X in a Clean Raincoat,” which referenced the 70’s porno-chic fad and the ‘raincoat crowd’ which frequented pornographic theaters.⁵⁵

Case Study: *Showgirls* (1995)

After the lukewarm reception of *Henry & June*, MGM/UA’s *Showgirls* (1995) holds the distinction of being the only other NC-17 film released by an MPAA signatory, and it functions as a particularly interesting case study about the commercial feasibility of the stigmatized rating. Directed by Paul Verhoeven and written by Joe Eszterhas, the team behind the 1992 erotic thriller and box-office sensation *Basic Instinct*, there were many reasons to believe that *Showgirls* had the hype and the power to give the NC-17 rating a new life. The psychosexual and titillating *Basic Instinct* starring Sharon Stone and Michael Douglas earned \$352 million worldwide and positioned the erotic thriller as a commercially viable genre.⁵⁶ The film was controversial for a number of reasons including the now-infamous glimpse of Sharon Stone’s vagina, but what is most significant was that the film was effectively made famous before its release because of Verhoeven’s campaign to push the R rating as far as it would go—he

⁵³ Sandler (2001), 75.

⁵⁴ *Ibid.*, 76.

⁵⁵ Janet Maslin, “FILM VIEW; Is NC-17 an X in a Clean Raincoat,” *New York Times* (October 21, 1990): 1.

⁵⁶ Sandler (2001), 77.

submitted the film eight times before it was finally cut from NC-17 to an R.⁵⁷ The critical and financial success of *Basic Instinct* was considered by MGM/UA to provide box-office security for *Showgirls* by reuniting the Verhoeven/Ezsterhas creative team. According to Sandler in ““The Naked Truth: “Showgirls” and the Fate of the X/NC-17 Rating,” it was necessary for *Showgirls* to “promote itself in a dramatic fashion,” and by “unabashedly promoting its forbiddenness and raw sexuality in a way previously unseen in any advertising campaign to come out of Hollywood.”⁵⁸

Starting with the film’s inception and initial production, *Showgirls* was presented as “a test of the acceptability of provocative, erotic films in mainstream markets” which could make or break the viability of the NC-17 rating.⁵⁹ In order to capture and retain the public’s attention, a multilayered marketing scheme was devised which included print and television advertising that countered the common misperception that NC-17 couldn’t be advertised—in fact, only two major newspapers (*Daily Oklahoman* and *Fort Worth Star-Telegram*) refused to carry the film’s ad, and the film’s outdoor advertising campaign “included banners on airplanes, taxi panels, kiosks, bus shelters, and billboards over Times Square and Venice Beach.”⁶⁰ The intensity of the film’s advertising campaign only increased as the release date approached, and although there was much attention paid to the film’s campaign, it is significant that there was a “near-absence of cultural and political debate surrounding the film [which] certainly made it appear that most of the public cared little that an NC-17 film was playing in their neighborhood theaters.”⁶¹ This lack of public controversy is crucial in looking at the diminishing significance of the rating system

⁵⁷ Sandler (2007), 137.

⁵⁸ Sandler (2001), 78.

⁵⁹ *Ibid.*, 78.

⁶⁰ *Ibid.*, 80.

⁶¹ *Ibid.*, 81.

today, because it demonstrated that the public's opinion of the NC-17 no longer matched the system which Valenti claimed to have put in place to serve them, and so the public, clearly, had evolved with the changing times and had no real problem with Hollywood's production and distribution of an NC-17. This resonates strongly because it was made clear that the only group with strong feelings against the NC-17 was the industry itself, rather than its consumers/audiences.

When the film was finally released on September 22, 1995 it turned out to be an enormous flop—making only \$8.1 million in its first week and then steadily declining in subsequent weeks.⁶² According to Sandler, “Its failure can be partially attributed to the film's poor word of mouth and to the fact that critics almost unanimously gave it some of the most abominable reviews in recent memory.”⁶³ Although these two factors are undoubtedly crucial to the failure of *Showgirls* it is also important to note two other factors which worked against the film: First, the “flood of sex thrillers” released after *Basic Instinct* were unable to recreate the film's success and diffused the genre's commercial value, and second, “soft-core eroticism, of the kind that *Showgirls* used as a publicity stunt, could be seen on pay cable and rented at any video store.,” which rendered the film's sexual content disappointingly less ‘provocative’ than advertised.⁶⁴

Despite its aggressive marketing campaign and extreme hype, the film not only fell through in terms of its narrative, acting, and direction, but also fell through on its claims of being ground-breaking and innovative. It did not provide what it promised, nor did it demonstrate any original or new cinematic standards that would challenge critical and societal assumptions about

⁶² Sandler (2001), 82.

⁶³ Ibid., 82.

⁶⁴ Ibid., 85.

the NC-17, although it did go on to do well in video sales and become a cult-classic with its own late-night screening following. The failure of *Showgirls*, in spite of its distributor's ability to secure prime advertising and exhibition for the film, only served to validate the lack of commercial viability of the adults-only category in the Hollywood film market, which remained dominated by the MPAA and its signatories.

Pleasure, Sexuality, Violence and the NC-17: A Discussion

Since the failure of *Showgirls*, the NC-17 rating has continued to exist outside of Hollywood solely within the framework of the independent film industry, where it has had some critical successes, none of which have been significant enough to actively present a challenge to the MPAA and Hollywood studios' abandonment of the rating. Kirby Dick's 2006 documentary *This Film is Not Yet Rated*, which was rated NC-17 and released independently by IFC Films, delves deeply into the MPAA's treatment of sexual and violent content in order to shed light on the discrepancies between its treatment of sex and violence. In the documentary, Dick interviews a handful of directors who have received an NC-17 from the MPAA for their films, and it is through these interviews that Dick demonstrates the ways in which the MPAA has stigmatized sexuality and sexual content significantly more than it has violence.

In an interview with director Kimberly Peirce about her 1999 Oscar-winning film *Boys Don't Cry*, Peirce discusses the three 'offenses' that the MPAA described to her about the film after she first submitted it and received an NC-17 (after edits and a re-submission the film eventually received an R). *Boys Don't Cry* centers on the life of female-born but male-identifying Brandon Teena (played by Hilary Swank), who seeks to find himself as well as find love in rural Nebraska. Peirce explains that according to CARA, the first 'offense' occurred

when Brandon was giving oral sex to his girlfriend Lana and there was a shot of him wiping her ejaculation off of his mouth. In the interview, Peirce explains her exasperation with CARA's treatment of the scene, which she eventually had to cut: "So I said ok what's the problem? [And they said] 'Well, we don't really know but that's really offensive.' So I was like: I shoot Brandon in the head and I do all these things to him and that's fundamentally ok. Can somebody explain this? No. Is there somebody I can call? No."⁶⁵ Next, Peirce explains that the second 'offense' according to CARA comes from the scene in which Brandon is anally raped, which according to her was inherent to the film, but had to undergo some edits in order for the film to later receive an R. Lastly, she recounts the conversation about the third 'offense': "[So I said] what's the third thing? 'Well, Lana's orgasm is too long.' Well whose ever been hurt by an orgasm that's too long? 'Well, that's offensive.' So I said that's outrageous, and [then] when I looked back at Lana's orgasm I was like, oh this is totally about Lana's pleasure. So there's something about that that's scaring them, that's unnerving them."⁶⁶ When Dick asks her why she thinks CARA had a problem with female pleasure, Peirce eloquently gives her input on the subject:

"Well, in a construct where most movies are written by men [and] directed by men they're mostly the male experience. And even in sex scenes they're mostly from the male perspective, so I don't think that the focus is female pleasure. I think that female pleasure is unnatural; I think that female pleasure is scary. And so if you're a woman who understands it from the female perspective you're treading in unfamiliar territory, and I think that this unfamiliarity is what breeds these NC-17s."⁶⁷

There are a number of different interviews and examples given in *This Film is Not Yet Rated* which shed light on CARA's biases, but this interview with Peirce is particularly poignant

⁶⁵ *This Film is Not Yet Rated*, Dir. Kirby Dick

⁶⁶ Ibid.

⁶⁷ Ibid.

because it highlights CARA's treatment of violence as well as female and non-hetero-normative sexuality. The significant unease surrounding topics of sexuality described by Peirce stands out in stark contrast with the violent content in the film that was largely ignored by CARA, and it is particularly interesting to compare this film's treatment with that of *The Cooler*, which was quoted at the beginning of this body of work.

The Cooler, in comparison with *Boys Don't Cry*, has an arguably more conventional narrative because its love story is a heterosexual one, but once again it is apparent that 'true' expressions of female pleasure are too 'obscene' for CARA raters, and are enough to warrant an NC-17 rating. According to Pollard, instances like these of bias within the rating system demonstrate that "receiving sexual pleasure is much more permissible for males than females" which reinforces the notion of "Hollywood's notorious gender bias against females."⁶⁸ Not only is the stigmatized treatment of female pleasure a reinforcer of Hollywood's gender bias, but also the inequality of female versus male nudity on film in which, according to *Entertainment Weekly* reviewer Mark Harris, "naked men are naughtier than naked women, and almost any sex is worse than almost all violence."⁶⁹ As early as the 1970's "frontal female nudity was no longer uncommon" due to the soft and hard-core pornography industry, but male nudity was and still is significantly less common on film.⁷⁰ This is a significant observation because female full frontal nudity is relatively common in R rated film, while male nudity is much less common and will often warrant an NC-17 from CARA. This is evidence of a strong gender based bias on their part, but also on the part of its signatories, because it is the content of their films which is reinforcing this bias.

⁶⁸ Pollard, 143.

⁶⁹ Mark Harris, "NC-17: Fatally Flawed," *Entertainment Weekly* (June 18, 2007): 1.

⁷⁰ Pennington, 55.

On the topic of Hollywood's gender bias, Pollard also quotes film critic Mary Ann Johanson, who posits that "men deserve a measure of dignity when it comes to nudity that women do not merit, that watching a woman being murdered is less objectionable than watching a woman have an orgasm."⁷¹ General violence is present in both *The Cooler* and *Boys Don't Cry*, but it is significant that both of these films contain not just violence, but violence against women as well. In *The Cooler*, a pregnant woman is deliberately kicked in the stomach by a casino boss before he then breaks a man's kneecaps with a crowbar, and in *Boys Don't Cry* Brandon is raped by two men and later shot in the head alongside his friend who is also shot and killed. Both of these films display a contrast between general violence and violence against women, and it is important to note in an analysis of violence in film that violence against women occupies its own space of discourse, which begins with the writings of pioneering feminist film theorists like Laura Mulvey on the topic of the sexism inherent film. Mulvey's viewpoint on the position of women as viewers of cinema can be summarized briefly in the following quote from Slocum:

"Female viewers are presented with a choice to identify with either a male protagonist or secondary female characters who, in Freudian terms, are defined by lack (or castration).

The choice for female viewers is therefore between the sadism of a patriarchal figure that subordinates women or the masochism inherent in women subordinated to patriarchy."⁷²

What Mulvey and many other feminist film theorists have criticized is the way in which mainstream filmmaking's production and exhibition practices reinforce "an identifiable set of social and political power relations" that can be situated within an analysis of the gendered position of viewership.⁷³ Building off of these theories that indicate the subordination of female viewers, we can then begin to develop a further analysis of how violence against women affects

⁷¹ Pollard, 143.

⁷² Slocum, 667.

⁷³ Ibid., 667.

this position of viewership. Filmmaker Kevin Smith, in an interview with Kirby Dick about the rating system and the way in which it promotes violence while censoring sex, posits that "If I was to create a rating system..I would put rape, assault against women; at the top of the offenses because it's so insanely over-used and insulting how much it's used as a plot device. You know, a woman in peril. That to me is offensive, but that sh*t skates."⁷⁴ Smith's comment is truly significant because it demonstrates a divide between the desires of directors and the studios which produce their work, and although he is just one name in a sea of many, his strong stance against the continued tolerance of violence against women in the film industry is one which should be paid attention to. The continued use of violence against women in particular, is further discussed by Slocum, who posits that its tolerance by the MPAA "remain[s] a means through which cinema, as an institution affirming prevailing values, subordinate[s] women."⁷⁵ By applying these theories to the sexual and violent content in *Boys Don't Cry* and *The Cooler*, we can further understand the biases which *This Film is Not Yet Rated* touches upon in its assessment of the ratings system. We can see that not only does CARA's assessment of the film's content reinforce Hollywood's bias towards non-hetero-normative sexuality and female sexual pleasure, but their lack of concern for violence against women reinforces a much larger and darker ideologically-sexist bias towards women overall, which is then magnified by violence.

The Current State of the Rating System

Although *This Film is Not Yet Rated* was a critically successful exposé of the hold which the MPAA and its signatories have on the United States film industry, we can see today that not much has necessarily changed. The NC-17 rating is still largely relegated to the independent film

⁷⁴ *This Film is Not Yet Rated*, Dir. Kirby Dick.

⁷⁵ Slocum, 668.

industry, and while some of its pornographic stigma may have dissipated a bit, the stigma of box-office poison is still present. Since the release of *This Film is Not Yet Rated* and its public illuminations of the MPAA and its signatories' biases, there has been one successful high-profile appeal of an NC-17 rating, which came in 2010 with *Blue Valentine*. The film, which tells the story of a young couple falling in and out of love by cutting between different periods of their relationship, contains strong and realistic sexual content that CARA found to be explicit, which caused them to initially give the film an NC-17. The Weinstein Company, one of the film's major distributors, successfully appealed CARA to get the film's rating changed from an NC-17 to an R without any cuts being made.⁷⁶ Following the stellar reviews it had received at film festivals, the high-profile appeal only served to boost the film's hype prior to its release and further illuminate the rating system's lack of relevance in today's society. The success of this appeal and its ensuing publicity was significant in spurring more conversations about the rating system's treatment of sex, but the fact remains that four times as many films are rated NC-17 for sex as for violence, in spite of "the wealth of research suggesting that the reverse treatment would better serve both children and parents," which is noted by Ron Leone in his content-based study for *Journal of Communication*, in which he tested the hypothesis that sex and violence are not treated equally by the MPAA, and that sex is treated less leniently than violence.⁷⁷ The hypothesis was tested through a "content analysis of 210 sequences from 13 films containing material present in unrated or NC-17 rated—but not in R-rated—versions of the same film," and Leone's findings supported his hypothesis and demonstrated that "Overall sequences removed were more sexually explicit than violently explicit and more sexually graphic than violently

⁷⁶ Manohla Dargis, "The Closing of the American Erotic," *New York Times* (February 13, 2011): 1.

⁷⁷ Ron Leone, "Contemplating Ratings: An Examination of What the MPAA Considers "Too Far for R" and Why," *Journal of Communication* 52.4 (2002): 949.

graphic.”⁷⁸ Similarly to how Yokota and Thompson’s studies shed light on an increased leniency from the MPAA towards violent content, Leone’s study shows conversely that there is an increased stringency towards sexual content, and these discrepancies present strong evidence against the viability of the MPAA’s rating system over time and especially in today’s society.

In this discussion it is interesting to note that the country’s legal system also works in favor, albeit indirectly, of a system which restricts violence less stringently than sex, because the legal system’s obscenity laws only apply to sexual material, and thus nothing can be legally deemed ‘violently obscene’ regardless of what it depicts.⁷⁹ A discussion of obscenity is particularly significant now more than ever because of how the Internet has effectively rendered impossible any true mode of regulation for obscene materials. According to filmmaker John Waters, it is because of the Internet that all teenagers have seen more hard-core pornography than earlier generations, and in an interview with director Kirby Dick, he posits that “They've seen the most hideous things you can find on the internet and believe me they've all seen them.”⁸⁰ Although a generalization, this statement poses crucial questions about censorship in this day and age. Ultimately, the questions need to truly be raised of *who* is the rating system actually protecting, and *what* is it protecting them from?

It is clear that the rating system presents strong biases in its assessment of sexual and violent content, but the real question now is not of whether or not it is a fair system, but of what place it even holds in our current society. It is undoubtedly archaic, and is inadequately equipped to function in a society whose viewing practices are shifting ever more into the digital rather than theatrical realm. This is something that has been highlighted by the rise of Netflix and other

⁷⁸ Leone, 948.

⁷⁹ Ibid., 949.

⁸⁰ *This Film is Not Yet Rated*, Dir. Kirby Dick.

streaming services to view already released material, and also by the increasing number of choices by producers and distributors to exhibit their new material in innovative ways which still include but are by no means limited to traditional mainstream and art-house movie theaters.

Models for a New System

The rating system has been criticized for its biases and lack of evolution by authors previously mentioned like Kevin Sandler, David Slocum, Tom Pollard, Richard Corliss, and Mary Ann Johanson, but it has also been publicly criticized by high-profile film reviewers like the late Roger Ebert, who advocates strongly for its abandonment and replacement with a new system in two articles entitled “Getting Real About Movie Ratings” and “Hey, Kids! Anybody Here Not Heard the F-Word?” Ebert very publicly denounces the viability of the ratings system not only explains that “The MPAA should have changed its standards long ago, taking into account the context and tone of a movie instead of holding fast to rigid checklists,” but that “In today’s real world, there are only two meaningful ratings: R and not-R.”⁸¹ Ebert also acknowledged the importance of the Internet in changing viewing practices, but more importantly acknowledged that the Internet also can and does provide more information on a film’s content than the MPAA does. Since the system was put in place to aid parents in making responsible viewing choices for their children, the system’s inability to draw specific lines about what constitutes responsible entertainment is highlighted even more by the fact that there are now a number of different websites which parents can access in order to learn more about what content a film contains before taking their children to the theater or allowing them to stream it. These websites not only provide more information than an MPAA rating does, but also do not interfere in the distribution or exhibition of a film—they exist in a separate realm which can be

⁸¹ Roger Ebert, “Getting Real About Movie Ratings,” *Wall Street Journal* (December 11, 2010): 2.

voluntarily accessed or ignored, in the same way as how one can choose to either see or not see a film for to various reasons, which are by no means limited to its MPAA rating. Although Ebert believes the rating system to be irrelevant, he also acknowledges that it is not realistic in today's world to expect that it will go away completely, and outlines a potential new system: "Perhaps only three categories are needed: "G," for young audiences, "T" for teenagers, and "A" for adults. These categories would not be keyed to specific content but would reflect the board's considered advice about a film's gestalt and intended audience."⁸² Ebert's proposal is certainly a relevant one which I believe to be realistic because of how it takes into account the fact that there is very little likelihood that the system can be completely abolished in today's society, while also acknowledging that the current system is outdated and full of contradictions. The purpose of a rating system is to make helpful evaluations based on content about what can be considered appropriate for different ages. Under this definition, a rating system can certainly be helpful, which is why it is important to revamp it into a system that actually serves its intended purpose.

Many countries throughout the world have developed their own different film rating systems which, unlike in the United States, come from their respective governments rather than their film industries. Most of these different systems are also age-based, and their classifications are often structured solely around the lowest age of the person permitted to see the film, instead of allowing for children to attend movies with more restrictive ratings if they have parental guidance. Some examples are France (ages 12, 16, 18), Britain (12, 15, and 18), New Zealand (13, 15, 16, and 18), and Japan (15 and 18), and although these countries' age-based ratings differ slightly from each other, they all emphasize that 18 is the age at which restrictions are

⁸² Ebert, 3.

lifted.⁸³ About the content which ratings systems restrict, it is widely known by many scholars, and noted by Corliss that “Foreign ratings boards are tougher on the most extravagant forms of movie violence, to which the MPAA board is so famously indulgent.”⁸⁴ In contrast with many European countries, the United States is an anomaly not only because of the way in which our rating system is inconsistent, but also because it comes from a non-governmental, non-transparent, and non-objective entity.

A Final Proposal

At this point it has been made very clear that not only does the MPAA rating system present strong biases towards various topics of sexuality, but also demonstrates a lack of consistency in its rating practices. The MPAA and its signatories treat violence less stringently than sex because violence is the largest money-maker in the PG-13 and R market, and has banished realistic and non-normative sexuality to the stigmatized territory of NC-17. The MPAA and its signatories are mutually beneficial to each other and have the ability to dominate the filmmaking industry in this country by cornering the markets of distribution, production, and exhibition, and have made it so that anyone involved in the industry who seeks to break free from the mold must work independently from the system and sacrifice prime revenue. What they do not need to sacrifice, however, is critical acclaim, and this notion is emphasized by film scholar Jon Lewis who states in *This Film is Not Yet Rated* that “The critical community has never really taken the MPAA seriously or given it any respect.” As long as there is a community, and one that appears to be ever-increasing as distribution practices shift in order to target different and wider audiences for non-mainstream films, than there is hope for the system to

⁸³ Corliss, 2.

⁸⁴ Ibid., 4.

experience changes in its production practices. While it is unlikely that the hold on the mainstream industry from the MPAA and its signatories can or will change overnight, as the independent film industry continues to grow in size and in audience, critical conversations about the dominance of this joint-system can continue to develop and gain clout. In order to accommodate these changes that will hopefully come, it is crucial for the rating system to adapt in order to keep up with the times. There is not necessarily any 'right' answer for how it should be altered, but between Ebert's proposed system of General Audiences, Teenagers, and Adult ratings as well as looking towards the various rating system models present in Europe and the rest of the world, there should certainly be a way to integrate a simpler and more well-regulated age-based system into the theatrical market while also utilizing the breadth of parental guidance and content-based rating websites as supplementary sources of information. There is no way to regulate the internet with 100% consistency, and in the future this will eventually render any legally based system incompetent. While there is still a theatrical market, however, there needs to be a system in place which is unbiased and consistent, and actually does its job. Maybe only the latter two of those objectives are achievable, but the bottom line is that a change needs to come, in whatever form(s) it can and should take.

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Corliss, Richard. "Censuring the Movie Censors." *Time* 2 September 2006. Web. 20 November 2014.

Dargis, Manohla. "The Closing of the American Erotic." *New York Times* 13 February 2011. *Jstor*. Web. 2 December 2014.

Ebert, Roger. "Getting Real About Movie Ratings." *Wall Street Journal* 11 December 2010: *Life&Style*. Web. 10 November 2014.

In this article Ebert, who is arguably the most influential film critic, explains why he believes that rating system needs to be amended for this day and age. He posits that the only meaningful ratings are R and Not-R, and states that the only ratings the country needs are G for general audiences, T for teenagers, and A for adults. I plan to use this article as part of my strategy for generating an alternative to the current rating system.

Harris, Mark. "NC-17: Fatally Flawed." *Entertainment Weekly* 18 June 2007. Web. 20 November 2014.

Leone, Ron. "Contemplating Ratings: An Examination of What the MPAA Considers "Too Far for R" and Why." *Journal of Communication* 52.4 (2002): 938-954. *Ebscohost*. Web. 10 November 2014.

In this article Leone studies the MPAA's assertion that it gives equal scrutiny to violent as well as sexual content and tests the hypothesis that sex is treated more harshly than violence. Leone performs a content-analysis comparison of the Unrated vs. R rated versions of 210 scenes from 13 films and ultimately finds that his results support the hypothesis that violence and sex are not treated equally by the MPAA.

Maslin, Janet. "FILM VIEW; Is NC-17 an X in a Clean Raincoat." *New York Times* 21 October 1990. Web. 10 November 2014.

Pennington, Jody W. *The History of Sex in American Film*. Westport, CT: Praeger Publishers, 2007.

In this book Pennington traces the history of how sex has been represented in the film industry and under different codes of censorship and production. She describes the ways in which the porn industry grew with the 'legitimate' film industry and then deviated from it as production practices and ratings systems changed. I plan to use this book as a resource in describing how the X rating evolved into the NC-17 and what the implications of the rating(s) have been.

Pollard, Tom. *Sex and Violence: The Hollywood Censorship Wars*. Boulder, CO: Paradigm Publishers, 2009.

In this book Pollard traces the history of the rating system and its treatment of the two censorship poles of sex and violence. Pollard makes the argument that throughout the history of film censorship, sex has been censored far more aggressively than violence. I plan to use this book in my argument that violence is treated far more leniently than sex.

Sandler, Kevin S. "The Naked Truth: "Showgirls" and the Fate of the X/NC-17 Rating." *Cinema Journal* 40.3 (Spring 2001): 69-93. *Ebscohost*. Web. 10 November 2014.

In this article Sandler discusses famous film flop that is *Showgirls*, one of the only high profile NC-17 films released by a major studio. He argues that because of the film's failure at the box office, the NC-17 rating is now treated as box office poison by major studios and directors. I plan to use this article as a resource in my discussion of why the NC-17 rating has become so stigmatized instead of simply being an indicator of adult content.

Sandler, Kevin S. *The Naked Truth: Why Hollywood Doesn't Make X-Rated Movies*. New Brunswick, NJ: Rutgers University Press, 2007.

In this book Sandler traces the origins of film censorship and the rating system. He makes the argument that the MPAA rating system and the CARA ratings board have been influenced strongly throughout history by the major production studios and that censorship practices are reflective of their corporate ideologies. I plan to use this book as my main source of historical background on the rating system and as a key source of an argument against the studio system's control over the film industry.

Slocum, David J. "Film Violence and the Institutionalization of Cinema." *Social Research* 67.3 (Fall, 2000): 649-681. *Jstor*. Web. 10 November 2014.

This Film is Not Yet Rated. Dir. Kirby Dick. IFC, 2007. DVD.

This documentary focuses on the current state of the MPAA rating system and challenges both its practices and the secrecy under which it operates. Director Kirby Dick uses a series of interviews with a number of directors and uses a series of different film clips to prove his hypothesis that the CARA ratings board takes a biased approach to rating films based on sex and that it is because of this bias that the NC-17 rating is so highly stigmatized. I plan to use this documentary as one of the foundations of my argument against the MPAA rating system and its unfair treatment of sexuality in the mainstream film industry.

Thompson, Kimberly M. ScD, and Fumie Yokota MS. "Violence in G-rated Animated Films." *Medicine and the Media* 283.20 (May 2000): 2716-2721. *Jama*. Web. 10 November 2014.

In this study Thompson and Yokota address the concern of children's consumption of violence in the media and its possible side-effects. The stated purpose of the study is to "quantify and characterize violence in G-rated animated feature films," by studying the content and duration of violent scenes in G-rated films. I plan to use this study alongside Thompson and Yokota's other study to provide data in line with the idea that violent content is more prevalent and treated less stringently than sexual content.

Thompson, Kimberly M. ScD, and Fumie Yokota PhD. "Violence, Sex, and Profanity in Films: Correlation of Movie Ratings With Content." *Medscape* 12 July 2004. Web. 10 November 2014.

In this paper Thompson and Yokota study the correlations between film ratings, revenue, and content over the period of 1992-2003. Their stated objectives are to characterize the information on violence, sex, and profanity content and qualitatively explore the relationships between content, ratings, and economic information, in order to test for a decreased degree of stringency in rating criteria. I plan to use this study for its quantitative information in order to shape the argument that violence is both endorsed as well as treated more leniently by the rating system because of its status as a money-maker for studios.

Williams, Linda Ruth. *The Erotic Thriller in Contemporary Cinema*. Bloomington, IN: Indiana University Press, 2005.

In this book Williams traces and analyzes the subgenre of the erotic thriller. She employs case studies of particular films as well as interviews with different players in the erotic thriller subgenre and its industry. I plan to use her book as a resource in my own discussion of the erotic thriller subgenre and how it has challenged the MPAA rating system, specifically using the film *Basic Instinct* as a case study.