

# CENSORSHIP AND CLASSIFICATION

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Embarking upon a review of censorship, even when limiting the discussion to films, is a daunting task given the size of the topic. For this reason the content of this essay is limited to a discussion of contemporary censorship in the US and the UK, followed by a look at specific examples from both countries.

**Advocates versus critics of censorship:** Those who argue in favour of censorship claim that it reflects and protects standards of morality generally held in society. Those who argue against it say that, rather than reflecting standards, it imposes them. There are strong arguments on both sides: advocates argue that depiction of graphic violence on film shapes social behaviour, especially in young people, and that therefore its circulation needs to be controlled. Critics, on the other hand, argue that film censorship is only one example of where ideals and morals are imposed on the public by powerful groups within society.

### The contemporary US scenario

Since 1952, film has been protected under the first amendment to the constitution of the US, along with other communication media such as newspapers and magazines. Under American law, individual states have the power to censor adult material, but only if it is deemed 'obscene' (Balio 1976: 438). However where children are concerned state censors have extended legal powers to **classify** (or to **rate**) films as well.

**Key book reference:** T. Balio (ed.), *The American Film Industry* (University of Wisconsin Press, Madison 1976)

The introduction of the 'rating systems' in 1968 is usually explained as an attempt by the film industry to offset the extended powers of state and municipal censors granted them that year by the supreme court which ruled that local authorities had the legal right to classify films for the protection of children.<sup>1</sup>

The ratings system is the film industry's 'voluntary' self-regulation system, and is administered by the Motion Picture Association of America (MPAA). The ratings in current use are G,<sup>2</sup> PG,<sup>3</sup> PG-13, R,<sup>4</sup> and NC-17.<sup>5</sup>

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1 ... The choice was not between a rating system and no rating system but between an industry rating system and 50 state classification boards (more if you add municipalities such as Dallas ...

2 GENERAL AUDIENCE.

3 PARENTAL GUIDANCE SUGGESTED.

4 PERSONS UNDER THE AGE OF 17 MUST BE ACCOMPANIED BY A PARENT OR ADULT GUARDIAN.

5 NO ONE UNDER 17 ADMITTED.

**Key institution:** The Motion Picture Association of America (MPAA) administers the classification (ratings) system in the US.

Some observers argue that there is little censorship in the US, only classification. However, can one only really argue that position with any confidence when film-makers are contractually obliged to deliver films to distributors that do not exceed an R rating, because exclusion of the pre-17 – frequent film-going – audience will mean that the films will do less well commercially? When this happens, as it does, censorship is in operation.

Other serious issues are raised by the current ratings system. First, what are the MPAA board's criteria for determining what children should and shouldn't see? Second, do major film companies, as the backers of the MPAA, receive preferential treatment, as has been suggested?

Issues such as these need to be raised and discussed if we are to fully understand the motivation behind the promotion of certain moral positions in films seen in the US and the suppression of others.

### **The contemporary UK scenario**

In matters of censorship and classification, the UK shares many similar strategies to the US: the only legally recognised censor-bodies in the UK are local authorities; the nation's law cites '**obscenity**' as a major reason for film censorship; and there exists a universally adopted system of film classification, administered by the industry-supported board – the British Board of Film Classification (**BBFC**) – which argues that the primary role of classification is the protection of children.

**Key term: Obscene** A work or a part thereof, may be found 'obscene' if it has a tendency to deprave or corrupt (i.e. make morally bad) a significant proportion of people likely to see it.<sup>6</sup>

**Key institution:** British Board of Film Classification (BBFC) – responsible for both classification and censorship of films shown in the UK.

**Key website:** [www.bbfc.co.uk](http://www.bbfc.co.uk)

The BBFC operates a system of classification for film releases as well as for DVD/video releases and miscellaneous digital media material (such as action-orientated games or softcore erotica).<sup>7</sup> For the cinema the ratings are: U<sup>8</sup> PG<sup>9</sup> 12<sup>10</sup> 15,<sup>11</sup> 18,<sup>12</sup> and R18.<sup>13</sup> For the DVD/video industry, an additional classification exists: U<sub>c</sub><sup>14</sup>. In the case of

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<sup>6</sup> As defined under the Obscene Publications Act (1959), and quoted in the guidelines of the BBFC. See [www.bbfc.co.uk](http://www.bbfc.co.uk)

<sup>7</sup> As a result of the Video Recordings Act 1984, the BBFC exercises a statutory function on behalf of the central government whereby it is the designated authority appointed by the home secretary to classify videos.

<sup>8</sup> SUITABLE FOR ALL.

<sup>9</sup> PARENTAL GUIDANCE ADVISED.

<sup>10</sup> RESTRICTED TO PERSONS 12 YEARS AND OVER.

<sup>11</sup> RESTRICTED TO PERSONS 15 YEARS AND OVER.

<sup>12</sup> RESTRICTED TO PERSONS 18 YEARS AND OVER.

<sup>13</sup> RESTRICTED DISTRIBUTION ONLY, THROUGH SEX SHOPS, SPECIALLY LICENSED

DVD/video releases, classification is more rigidly imposed, because of the ‘greater risk of underage viewing in a less controlled domestic environment...’<sup>15</sup>

Unlike the US, however, films intended for adult consumption are subject to broad legal censorship as well as classification, and this job also falls to the BBFC which applies a ‘deprave and corrupt’ test to the material it considers. Charges of obscenity or any of the following will likely result in cuts: sexual violence, glamorisation of violence, details of imitable techniques that are dangerous and likely to cause serious injury (e.g. combat techniques), affirmation of illegal drug taking as alluring, cruelty to animals, or sexualised images of children.<sup>16</sup>

The BBFC is funded entirely by the film industry, and the appointment of the president and director have traditionally required the agreement of the local authorities, the industry trade associations and the Home Secretary of the day. Can the BBFC therefore claim independence as an organisation?

A case that brings out the sometimes anxious relationship between Government and the BBFC is the ‘R18’ issue. In 1997, the BBFC decided to allow certain more explicit R18 videos which it deemed not harmful to be sold in licensed sex shops. For this the BBFC was criticised by the Home Office. Subsequently, the BBFC did a volte face and demanded cuts in the relevant R18 videos. The company handling the films in the UK refused and made representation to the Video Appeals Committee. The irony is that despite initially supporting a liberalisation of censorship of R18 films, the BBFC now found itself challenging the decision by the Video Appeals Committee in the Courts at the behest of the Home Office.<sup>17</sup> A landmark decision, in May 2000, found in favour of the Video Appeals Committee. As a consequence, the BBFC has now liberalised its R18 guidelines: something it was trying to do in the first place, before the Government intervened!

Recent public consultation in the form of questionnaires and Citizens’ Juries evidences the widespread support for the BBFC’s role where the protection of children is concerned. However, its function in the censorship of films intended for adult consumption continues to provoke a far less clear response. In the case of the R18 films, the public surveyed appear to have been in favour of liberalisation.

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### **Case study: US – the Hays Code**

For a period of approximately 20 years, from the early 1930s to the early 1950s, American commercial film was subject to rigid regulation from within the industry itself. The Production Code, or Hays Code, laid down specific ideological and moral principles to which all films shown commercially in America had to subscribe.

**Will Hays and the Production Code:** The history of the Production Code dates back to 1922, and the appointment of Will Hays as president of the new industry-sponsored, Motion Picture Producers

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CINEMAS ETC.

<sup>14</sup> PARTICULARLY SUITABLE FOR PRE-SCHOOL CHILDREN.

<sup>15</sup> SEE BBFC ANNUAL REPORT 2000, P.24, AT WWW.BBFC.CO.UK

<sup>16</sup> SEE BBFC GUIDELINES AT WWW.BBFC.CO.UK

<sup>17</sup> See T. Jones and R. Ford, ‘Porn laws to tighten as censor defeated’ in The Times, 17 May 2000; and C. Tyler, ‘Porn Wars’ in Weekend section of the Financial Times 24/25 October 1998, p. 3.

and Distributors of America. He was an ideal front man for the organisation, having been a senior Republican politician – the ex-Postmaster-General. Hays' brief was two-fold: to improve the public image of Hollywood (following a series of very public Hollywood scandals around that time<sup>18</sup> - the film industry feared a backlash from state censors), and to protect Hollywood's interests in Washington and abroad, through his strong ties with the Republican party.

**Key book reference:** T. Balio (ed.), *The American Film Industry* (University of Wisconsin Press, Madison 1976).

Throughout the 1920s, Will Hayes, as president of the MPPDA, saw to it that the influence of his organisation increased steadily within the industry. In the first few years of his appointment, Hays focused his energies on heading off state censorship boards,<sup>19</sup> under the banner of free speech. In 1924, the MPPDA introduced advice to film-makers on 'the suitability for screening of current novels and stage plays' (Balio 1976: 308). In 1927, it produced a small document called *The Don'ts and Be Carefuls* for producers (Champlin 1980: 42). With the coming of 'talking pictures', a more formal code was announced (in 1930) – the **Production Code**.

The code proved difficult to enforce until 1934, because producers, faced with falling box office receipts brought about by the onset of the Depression, would not adhere to its principles.<sup>20</sup> Film producers saw sex and violence as 'box-office' insurance. The Hays office was not yet powerful enough to force the issue.

**Key films exceeding the provisions of the Hays Code:** in their depiction of sex - *Red Dust* (1932), *She Done Him Wrong* (1932) and *Baby Face* (1933); in their depiction of violence – *Public Enemy* (1931), and *Scarface* (1932).

The year 1934 proved to be decisive. State censors, women's groups, education groups and religious groups were demanding action. The Roman Catholic church formed its Legion of Decency whose 'oath of obedience not to attend condemned films was recited by millions across the country during Sunday mass' (Champlin 1980: 44). In this climate of threatened mass boycott of Hollywood films, the MPPDA could now rely on the complete support of the majors in implementing the Production Code.

Universal implementation of the code was finally assured with the arrival of the 'Production Code Administration' (PCA) that year, whereby the industry agreed that no film would be distributed or exhibited in the US that did not carry the PCA seal.

Thus, from 1934 till just beyond the end of the studio era, the code defined the ideological limits of the classic Hollywood film.

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<sup>18</sup> i.e. The Fatty Arbuckle scandal (rape and murder trial), the murder of William Desmond Taylor, and death (through drug addiction) of Wallace Reid (Champlin 1980: 42)

<sup>19</sup> 'Reformer-inspired censorship legislation' was on the rise at that time in more than half the states in the US (Balio 1976: 304).

<sup>20</sup> Despite the introduction of mandatory script submission by producers to the Hays Office in 1931.

## The content of the production code <sup>21</sup>

When depicting crime, producers were not allowed to include scenes on how to commit a crime, inspire the audience to imitate crime, or make criminals seem heroic or justified. *The Public Enemy* (1931), for instance, with its glorification of the gangster, would in all likelihood not have been granted a PCA seal after 1934.

**Key book reference:** L. Leff & J. Simmons, *The Dame in the Kimono* (Grove Weidenfeld, NYC 1990)

The code, in keeping with its project of pacifying the religious groups in the country, took a hard line on religion. No film could ‘throw ridicule on any religious faith’. Ministers of religion could not be depicted as villains or comic, and religious ceremonies had to be handled respectfully.

Under the new terms of the code, representation of foreign countries and foreigners had to be respectful.<sup>22</sup> ‘The history, institutions, prominent people and citizenry’ of other nations had to be represented fairly.

Overt depiction of sex was banned *of course*. Other taboo subjects were sexual perversion, white slavery, miscegenation, and sex hygiene! In the depiction of gender relations, films had to be sympathetic to marriage as an institution. ‘Impure love’ could not be represented as attractive, it could not be the subject of comedy, it could not be presented so as to ‘arouse passion or morbid curiosity’ in audiences, and it could not be portrayed as permissible. ‘Compensating moral values’ were required where the scenario depicted ‘impure love’: i.e. characters had to suffer in the scenario as a result of their behaviour.

**Key film showing compensating moral values – *Back Street* (1941)**

Under the rules of the code, no adult nudity was permissible. Bedrooms had to be treated with the utmost discretion, because of their association with ‘sexual life or with sexual sin’. Vulgarities, obscenities, and profanities<sup>23</sup> of any kind were all banned. Producers could not depict dances which suggested ‘sexual actions’. With so many restrictions, it is a wonder that Hollywood was able to dispense any ‘pleasure’ from its dream factories during the studio era!

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## Case study: US Contemporary – recent moral panics

Catholic groups in the US continue to this day in their crusade against films they feel are an affront to Catholicism. Two films which ran foul of Catholic groups in recent years are *Priest* (1995) and *Dogma* (1999). The first, a film depicting non-celibate priests – the

<sup>21</sup> Reprinted in full in Leff & Simmons (1990:283-92).

<sup>22</sup> As early as 1922, the Mexican government negotiated with the MPPDA over the representation of Mexicans in American films.

<sup>23</sup> The dialogue, ‘Frankly my dear, I don’t give a damn’ was only allowed in *Gone With the Wind* (1939) after a special appeal by the producer to the Hays Office.

central one of whom is gay – was accused by the American Life League and the Catholic League of being pornographic. Threats were then made to Disney, parent company of the US distributor Miramax, in the form of boycotts.<sup>24</sup>

A similar fate awaited *Dogma* (1999). Again, the Catholic League led other Catholic groups (30 in all, ranging from Women for Faith and Family, to Sons of Italy) in a petition against Miramax, who handled this film as well. The furore resulted in Miramax selling on the film rights to another distributor.

In both cases, the Catholic groups were fearful of the Church and its priests being ‘objects of caricature and insult’.<sup>25</sup> But whatever happened to freedom of speech?

### Case study: UK Censorship – Interwar and World War II

The British Board of Film Censors<sup>26</sup> was founded by the film industry in 1912 to neutralise the effect of local authority censorship (see above). From its inception, the BBFC operated a system of classification. It issues 2 categories: U<sup>27</sup> and A.<sup>28</sup> These categories were advisory until 1921, when the London County Council decided to adopt them. (An H category was introduced in 1933 for horror films (Robertson 1985: 58).)

**Key book reference:** C. Barr (ed.) *All Our Yesteryears* (BFI, London 1986)

Although not an official censor, the BBFC protected ruling values and interests. Indeed, its personnel had established links with the government. For instance, Lord Tyrell – the president of the BBFC from 1935 to 1947 – had been Head of the Political Intelligence Department and Permanent Under-Secretary of State at the Foreign Office before taking up his post at the BBFC (Barr 1986: 44).

During the interwar years, most local authorities accepted a BBFC certificate as validation of a film’s moral rectitude and therefore as fit for exhibition. Up until the end of World War II, the BBFC maintained a formal code of practice, like the MPPDA in the US. The BBFC was nothing if not conscientious in its crusade and, predictable censor fodder aside (i.e. sex and crime), made sure that any filmic material that was in any way ‘sensitive’ did not get passed. To quote Julian Petley in his essay ‘Cinema and State’ (ibid: 44):

With its bans on the great Russian [Soviet film] classics, on ... newsreels critical of Nazi Germany and Facist Italy, on ‘references to controversial politics’, ‘relations to capital and labour’,<sup>29</sup> ‘subjects calculated or possibly intended to foment social unrest or discontent’, ... it is perhaps hardly surprising that in 1937

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<sup>24</sup> Source: *The Advocate*, p. 11, 2 May 1995.

<sup>25</sup> See D. Campbell, ‘Catholics vilify Dogma’ in the *Guardian* 13 November 1999.

<sup>26</sup> As it was called until 1985.

<sup>27</sup> Universal.

<sup>28</sup> Adult, denoting that the film was more suitable for adults. NB, in 1929, the classification A was modified to stipulate that children under 16 had to be accompanied by a parent or guardian (Falcon 1922, part 2: 4).

<sup>29</sup> e.g. A ban was imposed on the scenario, *Love on the Dole*, until the outbreak of WW2. In 1940, the project was given the go-ahead.

pride in observing that there is not a single film showing in London today which deals with any of the burning questions of the day.’

**Key book reference:** J. Robertson, *The British Board of Film Censors: Film Censorship in Britain, 1896-1950* (Croom Helm, Kent 1985)

**Examples of films banned or severely cut by the BBFC in the UK during the 1920s and 1930s:**

FILM	REASON FOR BAN* /CUT**
<i>Battleship Potemkin</i> (1925)*	Pro-revolutionary propaganda
<i>Mother</i> (1926)*	Pro-revolutionary propaganda
<i>La Chienne</i> (1931)*	An unrepentent prostitute was the central character
<i>The Public Enemy</i> (1931) *	Subversive depiction of crime and gangsterism
<i>Spanish Earth</i> (1937)**	Reference to controversial foreign politics – the Spanish Civil War

With the start of **World War II**, the state took a **direct** role in film censorship. The Ministry of Information was set up to control the flow of public information, for the sake of national security. In other words, it became the official censor. (The BBFC’s role during wartime was vastly reduced as all films were first submitted to the MoI.) It was also responsible for presenting ‘the national case to the public at home and abroad’ and for ‘the preparation and issue of national propaganda’.<sup>30</sup> Under the leadership of Jack Beddington (1940-6), the Films Division of the MoI conveyed the ‘do-s and don’t-s’ to commercial film-makers, among others.

**Key book reference:** A. Aldgate & J. Richards, *Britain Can Take It* (Basil Blackwell, London 1986).

Around 1942, Jack Beddington initiated an **Ideas Committee**, included in which were eminent writers and directors of UK commercial film.<sup>31</sup> It operated as a forum for discussion, a kind of pro-active censorship group, where the wartime ideological (propaganda) strategy was formulated. A film that definitely wasn’t a product of the ideas committee, and which seems to have slipped through the net during World War II was *The Life and Death of Colonel Blimp* (1943). Winston Churchill, no less, attempted to stop the production because he felt it was ‘propaganda detrimental to the morale of the army’.<sup>32</sup> Despite his attempts, the film was made and shown: the Ministry of Information deemed it could not impose a ban because it did not pose a threat to national security.<sup>33</sup>

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<sup>30</sup> I. McLaine, *Ministry of Morale* (London 1979), quoted in Aldgate & Richards (1986: 18).  
<sup>31</sup> Including (at various times): M. Balcon, M. Powell, S. Gilliat, L. Howard, C. Friend, A. Asquith.  
<sup>32</sup> From the Prime Minister’s personal minute M.357/2. 10 Sept/42, reprinted in Christie (1978: 107).  
<sup>33</sup> See BBFC press release for the film, to be found on website www.bbfc.co.uk.

## **Case study: UK Contemporary – *Crash* (1966)**

A review of the handling of the certification of *Crash* a few years ago reflects a Board that has abandoned a formal code of practice (eliminated after WW2), and is sensitive not to overstep the mark in its capacity as censor. Left to its own devices, it prefers the adult viewing public to debate provocative films in the public arena.

In 1966, *Crash* received the Special Jury prize at Cannes and was widely shown on the international circuit. In Britain, however, the tabloid press – particularly the *Daily Mail* and the *Evening Standard* – mounted a campaign against the film, picking up on rumours of the film's sensational storyline (concerning car crashes, disability and sexual excitement) even before the film had been publicly screened. Press attempts to encourage local authorities to ban the film were successful to a limited degree: it was banned by Westminster Council (London) for instance. Thus a lot of media pressure was brought to bear on the BBFC. However, after taking legal advice, consulting with a psychologist, and arranging a screening for disabled people, the BBFC deemed the film neither obscene or harmful. Therefore there was no reason to ban it and the film was passed without cuts on 18 March 1997.<sup>34</sup>

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### **Summary**

There is no question that in the past, dominant groups in society were able to impose a strict code of values on films consumed by US and UK film-goers. Today, however, media penetration and accessibility (e.g. through satellite), and the democratisation of culture make a mockery of any attempt to fashion such a dogmatic policy. Nevertheless, the shaping of film texts to prescribed notions of what is 'suitable for children' or what is 'obscene' still goes on. It must be left to society to debate the correctness and appropriateness of such a policy.

### **Resource addresses**

British Board of Film Classification  
3 Soho Square, London W1V 5DE  
tel: 020 7 287 0141

British Film Institute Library  
21 Stephen Street, London W1P 1PL

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See BBFC press release for the film, to be found on website [www.bbfc.co.uk](http://www.bbfc.co.uk)