

Production Code Background

Assuming Viewers are morons: 1934-1968

The Hays Code (the informal name for The Motion Picture Production Code), adopted in 1930 but not seriously enforced until 1934, was a set of rules governing American filmmaking that shaped – and in many ways stifled – American cinema for over three decades. It also happened to completely overlap The Golden Age of Hollywood.

During the later years of the Silent Era and the early Talkie Era (1920's), Hollywood became inundated with complaints from the public about the perceived lewd content of films. Scandals centering on big stars (most infamously Fatty Arbuckle) and the ensuing mass media frenzy caused large sections of the public to call for *something* to be done to rein in Hollywood. As "luck" would have it, the U.S. Supreme Court had ruled in the 1917 case, *Mutual Film Corporation v. Industrial Commission of Ohio* that film did **not** qualify for First Amendment protection. This allowed Congress to begin seriously considering putting into place a nationwide censorship board (which several individual states already had both before and after the *Mutual* Decision).

The period of Hollywood cinema before censorship was actively enforced stretched from 1928-1933 and this period is called The Pre Code Era. Seen today, the contrast between the films made before the censorship and the period after goes a great deal to showing the impact censorship made on American cinema. Films like the original *Scarface* by Howard Hawks were far more brazen and upfront about Damn It Feels Good to Be a Gangster lacking the Do Not Do This Cool Thing tacked-on correctives seen in films like *Angels With Dirty Faces*. The landscape was also less politically correct with actors and actresses playing all kinds of roles. Much of the content is surprisingly feminist, with working women being regarded with sympathy and affection. A film like William A. Wellman's *Heroes for Sale* shows a Shell-Shocked Veteran returning from World War I falling into morphine addiction and this a film released in 1933. Directors like Josef von Sternberg worked with Marlene Dietrich to create provocative explorations of sexuality and power. The film *Morocco* (1930) famously features the first lesbian kiss in sound cinema.

Such films, and their relatively progressive content inevitably provoked a conservative response, *Scarface* in particular. In order to stop the government from censoring or banning their product, Hollywood decided to censor films themselves instead. The Hays Code was a set of production directives, voluntarily adopted by all the major studios, designed to prove to Congress and the public that Hollywood had cleaned up its act. Will H. Hays, a former Postmaster General, did not create the Code; however, as the first head of the office of its enforcement, his name became more-or-less permanently attached to it. Among film-makers, Joseph Breen was the main man behind censorship, and the Hays Code was also known as the Breen Code. The Code placed a number of restrictions on all films to be produced, distributed or exhibited by the members of the Motion Picture Producers and Distributors of America (MPPDA), the organization today known as the Motion Picture Association of America (MPAA). These were:

- Crime and immorality may never be portrayed in a positive light. If someone performs an immoral act, they must be punished on screen.
 - In one especially notorious example, the novel and the stage play *The Bad Seed* end with Christine Penmark, mother of the sociopathic Rhoda, giving her dangerous daughter an overdose of sleeping pills and shooting herself — but Rhoda survives, with the implication she will kill again (even more likely now that her mother, the only person aware of her true nature, is out of the picture). In the Hays-Code-compliant film version, Christine survives her suicide attempt, while, in an incredibly contrived and implausible instance of Karmic Death, Rhoda goes to the lake in a thunderstorm to try to find the penmanship medal for which she killed a boy, and a bolt of lightning knocks down a tree bough which falls on her head, killing her.
 - The Hays Office also made the ending of *The Big Sleep* more violent and decisive than the one originally planned.
 - The Reveal in *Rebecca* also suffered as a result of this. Originally the cruel and faithless Rebecca is murdered by her husband Maxim, but in Alfred Hitchcock's 1940 film version her death is accidental, but is covered up by Maxim because he feels nobody will believe he is innocent of the crime.
 - In *It's a Wonderful Life*, Mr. Potter appears to go free after stealing \$8,000 and generally living a life of greed and contempt for his fellow man. Rumor has it that the original screenplay contained a Censor Bait ending where Potter dies of a heart attack while Clarence stands idly by. This, apparently, was a little *too* cruel, so they were allowed to leave it out, which is why it's implied that Mr. Potter is a Karma

Houdini. The Saturday Night Live parody of this ending (on the season 12 Christmas episode hosted by William Shatner^{note}) is considered a perfect example of what should have been.

- Even having morally derelict characters Driven to Suicide was often disallowed, which changed the originally planned ending of Angel Face and the circumstances of Billy's death in Carousel.
- "Correct standards of life" (for the times) must be presented, unless the plot called for something else. This had the strange repercussion that some directors avoided taking on films that centered on poverty, since it might conflict with the code.
- The law must be respected and upheld. Occasionally cartoons could get away with breaking the law, such as the Woody Woodpecker cartoon "The Screwdriver" and Tex Avery's "Thugs With Dirty Mugs" (which was banned in the Canadian province of Manitoba because the censors there thought the cartoon made light of violent crime).
- Portrayals of nudity, and overt portrayals and references to sexual behavior were banned (even between consenting adults). Even the aftermath of sexual activity — pregnancy and the resulting childbirth — wasn't allowed. It was the reason why, in Gone with the Wind when Melanie Hamilton Wilkes was giving birth, she and Scarlett and Prissy were *literally* shown only as shadows on a wall.
 - The ban on anything that could be construed as sexual was what pretty much killed the Betty Boop cartoons. Conversely, the ban made Mae West a star, as it made good use of her innuendo-laden humor.
 - Red Hot Riding Hood pushed the limits of what was allowed for fanservice on the silver screen. A lot of the sexually-charged wild takes had to be removed from prints for general audiences, but were reinstated in copies made for American soldiers fighting overseas during World War II.
 - The Walter Lantz shorts "Abou Ben Boogie" and "The Greatest Man In Siam" also got away with a surprising amount of fanservice, although this eventually kept them banned from TV airings in later years.
 - The word "virgin" was banned for this reason, and it was Bowdlerised out of the film versions of Carousel and The Rose Tattoo. It was mostly because of this word that The Moon is Blue ended up being released without Hays Code approval.
- Religion was never to be depicted in a "mocking" manner. In some cases, this had the effect of preventing religion being depicted *at all*, for fear of being deemed mocking after the fact.

- This was what almost got the Censored Eleven short "Clean Pastures" banned *in the time it was released*,^{note} because it showed a burlesque of religion with black people shown as angels and going to Heaven (not to mention glorifying gambling and jazz in the same mention as Heaven, both of which were considered taboo back then).
- This led to characters who had been less than exemplary members of the clergy getting new careers in secular fields: Three notable examples:
 - Frolo in the 1939 adaptation of *The Hunchback of Notre Dame*, who became a judge (predating the Disney version by several decades)
 - Mr. Collins in the 1940 *Pride and Prejudice*, who became a librarian.
 - Cardinal Richelieu became Prime Minister Richelieu when played by Vincent Price in the 1948 adaptation of *The Three Musketeers*.
- Drug use (including alcohol consumption) was banned unless the plot called for it. Under the first code, drug use was only allowed if the story was a cautionary tale against drug abuse or if the druggie gets what he or she deserved for doing it in the first place (it was the reason why *Reefer Madness* got to be shown, even if the message that drugs are bad was artificial and tacked-on). Illegal narcotics were strictly prohibited, no matter what the circumstances.
- All detailed (that is, imitable) depiction of crime must be removed, such as lockpicking, safe-cracking, or mixing of chemicals to make explosives.
- Revenge in modern times was not permitted as it might glorify violence (specifically murder). Historical settings might allow it — particularly where there was no law to punish the offender. This means that Westerns were the only movies allowed to have revenge as a theme or premise.
- Topics then considered perverse, such as homosexuality, miscegenation (interracial relationships and marriage), bestiality, or venereal diseases were not to be discussed. The explicitly racist ban on depicting "miscegenation" was used to justify the exclusion of non-white actors from employment, on the principle that the code was breached if *either the actors or the characters they were to play* were of different "races". A notable example involved passing over Anna May Wong, the leading Chinese-American actress of the time, for the female lead in *The Good Earth*, because the male lead was white actor Paul Muni. The bestiality ban is also worthy of note, as it (along with its less-than-flattering depiction of marriage, see below) was the reason why *Red Hot Riding Hood's* original ending^{note} had to be changed before

release (though it, much like the "erection takes", exist on a Director's Cut that was sent to overseas soldiers).

- The sanctity of marriage was to be upheld.
 - It is widely believed that the Code created the Comedy of Remarriage genre, since it wouldn't count as infidelity if the leads were (temporarily) divorced. However, it existed before.
- Blasphemy, described as using "Oh my God!", "Jesus Christ!", or "Oh, Lord" (and any variants of those) were not allowed. Using the word "God" was allowed, but only if used in a reverent tone or meaning.
- Profanity of any kind was prohibited. Combined with the previous rule, this would lead to supposedly tough and gritty protagonists using mixtures of Unusual Euphemism and Gosh Dang It to Heck!. Any word stronger than "damn" was completely disallowed, and any usage of profanity was likely to result in a hefty fine. (This is why Rhett's famous line in Gone with the Wind was considered a big deal back then).
- And finally, the United States flag was to be treated with utmost respect. Not that this rule was applied to any other nation's flags.

These rules could be slightly skirted in film adaptations; for example, they managed to keep the famous line "Frankly my dear, I don't give a damn" in Gone with the Wind because the (mild) swearing was in the original novel (David O. Selznick was still fined \$5000 for it, though). This was especially true for faithful adaptations of William Shakespeare's plays, which were probably considered too artistically significant to censor; Hamlet, for instance, was filmed over a dozen times despite its main theme of revenge, something normally prohibited by the Office.

Since the Code did not apply to the stage, aspiring screenwriters could and did write plays about subjects too sexy or politically controversial for Hollywood. In New York (at least), stage censorship – though not unheard of – was far less of a threat than it had been in the 1920s, and comedies quite freely made fun of the movie censors. See also [this pin-up image](#)  created specifically to see if it would be possible to break every single Code provision in a single still.

The code was in place until 1968, but its purpose – to prevent government-sanctioned censorship of the film industry – was undercut in 1952 with the "Miracle Decision". The Italian film, *The Miracle* by Roberto Rossellini had controversial use of religious imagery and its American release provoked a severe outcry. The victory in court finally gave film in the United States First Amendment

protection as an artistic medium, as well as with other US Supreme Court decisions that negated the threat of Federal censorship.

Even in the period of the worst censorship however, several films and directors managed to subvert censorship. The Preston Sturges comedy *The Miracle of Morgan's Creek* is a case in point. A film starring Betty Hutton, a good-time girl who gets impregnated by a GI Soldier and gives birth to seven children. Martin Scorsese, in his documentary on American movies of the same period, noted that some film-makers used cinematic means and subtlety to suggest complex themes (and even subvert censorship mandates). Naturally, this involved all kinds of subtext, Meaningful Background Event and Stylistic Suck in the Happy Ending, which often made them very unconvincing to audiences, who sensed the real subtext underneath. He cites films like *Johnny Guitar* which was a major Take That to the Witch Hunt and the Red Scare and cites directors like Samuel Fuller and Douglas Sirk who kept pushing the boundaries in terms of content. Fuller's *The Steel Helmet* made in 1950 was the first film that addressed the internment of Japanese-Americans in the Second World War, and made anti-racist films through the decade. His Film Noir, *Pickup on South Street* provoked the ire of J. Edgar Hoover himself, though Fuller had the friendship of 20th Century Fox boss Darryl F. Zanuck who backed him through all this. Douglas Sirk's *Imitation of Life* made in 1959, was the most successful Universal film until *Airport* and it portrayed the reality of race relations in pre-Civil Rights era with a stark eye. Elia Kazan meanwhile kept pushing the boundaries in dealing with sexuality, with films like *Baby Doll*, *A Face in the Crowd*, *Splendor in the Grass*.

Indeed the mere fact that censorship had to be so rigorously enforced in the first place is testament to the levels and frequency with which directors and screenwriters tried to resist it. Even a classic like *Rebel Without a Cause* featured a barely concealed homosexual as a sympathetic character (while Bury Your Gays is enforced, its clearly treated as a tragedy). Genre films tended to fall Beneath Suspicion, as such directors of Film Noir or The Western tended to have a freer hand than say people who made Oscar Bait or the Epic Movie or The Musical. Also the B-Movie tended not to be taken seriously by Moral Guardians and films like *The Big Combo*, *Detour*, *Touch of Evil*, *Murder by Contract*, *The Crimson Kimono* tend to have more progressive and interesting content than the A-movies that they played with on a Double bill.

Furthermore, the ability of the MPAA to enforce the Code over all films shown in the US had essentially been neutered in 1948 with the US Supreme Court's "Paramount Decision" (read more about that in Fall of the Studio System). Among

many other things, this decision ended the ability of the major studios to practice "vertical integration": the ownership of movie production, distribution, and exhibition. All the majors chose to sell their theater chains, which meant they technically lost all say into what could be shown in those theaters. In the 1960s, a wave of European (particularly British and Italian films like *Alfie* and *Bicycle Thieves*) films that were not subject to the Code started tackling gritty topics which American studios couldn't touch because of the Code. These films were able to be shown in American theaters without the MPAA's prior approval.

There were also serious domestic challenges to the Code in the 1960s. *The Pawnbroker* featured an artistically-essential topless scene and *Who's Afraid of Virginia Woolf?* featured equally-essential harsh language. Against the considerable critical acclaim of these films and overwhelming public sentiment, the Hays Code tried to bend – with those films being made "special exceptions" — but this "bending" opened the door for every daring filmmaker of the day to petition their own films for similar consideration. Furthermore, this change of criteria encouraged the film company executives to gradually lose their enthusiasm to cooperate with the Code themselves: it was one thing for the Code to object to specific content with an agreed upon criteria, it was quite another for those censors to be de facto film critics to arbitrarily determine whether their films were of good enough quality to allow them to be exceptions.

In 1966, MGM outright defied the Code and released the film *Blowup* (which failed to gain Hays approval due its relatively explicit erotic content). Because the MPAA and the Code could do *nothing* to stop MGM from distributing the critically-hailed film (which became a smash hit), and because it had been so long since the Code had been put in place (resulting in a difference in public opinion), other studios soon followed MGM's lead. Also in 1966, Jack Valenti was elected MPAA president with the specific promise to move from the Code to a ratings system, in theory based on the age-appropriate-ness of the film. The MPAA Film Rating System (which, while altered slightly over the years, is still in use to this day) to keep the public happy. The fall of the Hays Code marked the disappearance of the last relic of the Golden Age of Hollywood, and the beginning of the "New Hollywood" era of the late '60s and the '70s.

(It's important to note that the MPAA rating system has itself been criticized by many people – including film critic Roger Ebert, as well as the filmmakers of *This Film is Not Yet Rated* – for giving films higher ratings for sex, homosexuality, or other controversial topics (and to a certain extent obscenity) than violence. There have also been complaints about the lack of transparency concerning exactly *why*

certain films get the ratings they do; several films have been rated PG with "nothing offensive" as the whole MPAA description, for example).

Stephen Colbert's book *I Am America (And So Can You!)* contains a parody "excerpt" from the Code, including rules such as "Characters may not walk and chew gum at the same time," "If a train is shown entering a tunnel, the tunnel shall not be portrayed as enjoying it," "Characters may not discuss the high suicide rate among dentists in a manner that implies they have it coming" and "For Christ's sake, somebody put a bra on Jean Harlow". The excerpt also deliberately omits rule #666, and also #669 for good measure.

Another example of mocking the Hays Code goes all the way back to 1942 in a classic Looney Tunes cartoon directed by Bob Clampett, "A Tale of Two Kitties", in which the cats Babitt and Catstello plot to devour the ever-prepared Tweety Bird. At one point, Catstello is on a ladder to Tweety's nest and struggling with his fear of heights, while from the ground, Babitt starts pushing his buttons by yelling, "Give me the Bird! Give me the Bird!" – to which Catstello turns to the audience to say, "If the Hays Office would only let me, I'd give 'im the Boid all right". The really fun thing here is that animated shorts like this showed many different examples of breaking the Code – such as excessive violence (though completely bloodless, of course), and (what was then) harsh language – simply because they were animated in ways that took everything to a level of pure parody; rules were subverted, but in as overt a way as possible. (A non-animation example of this sort of Hays Code subversion would be The Three Stooges shorts.)

The full text of the code can be found here . The Broadway musical *A Day in Hollywood/A Night In The Ukraine* takes the text of Production Code and has the cast *dance to it*.

While many have criticized the code, critic Michael Medved makes a reasonable point: "While many of the specific rules in the old Production Code look thoroughly ludicrous by today's standards, it is instructive to recall that Alfred Hitchcock and Howard Hawks, John Ford and Billy Wilder, George Cukor and Frank Capra and Orson Welles all somehow managed to create their masterpieces under its auspices." However, several films by these directors were made, critics argued, in spite of the Code with Executive Meddling responsible for flaws even in the greatest films of this time and which directors constantly had to fight against and struggle to even get the films in the shape that it exists today. Medved also makes the point that after the demise of the Code, motion picture attendance *fell* – from ~44 million per week in 1965 to ~19 million per week in 1969 – and that attendance has never reached the levels of the post-TV, pre-ratings age since, not even ignoring population growth.