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# Pain Over Pleasure

How the Motion Picture Association of America Rates  
Rape and Cunnilingus in Film

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Tekijä(t) Otsikko  Sivumäärä Aika	Melissa Salmi Väkivalta yli nautinnon Miten MPAA (Motion Picture Association of America) ikärajoittaa naishahmon raiskauksen ja cunnilinguksen elokuvassa  62 sivua + 3 liitettä 06.05.2016
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<p>Tässä opinnäytetyössä tarkastellaan, miten MPAA (Motion Picture Association of America) ja sen alaisuudessa toimiva CARA (Classification and Rating Administration) ikärajoittavat raiskauksen ja naiseen kohdistuvan oraalisesti (cunnilingus) elokuvassa. Seksuaalista väkivaltaa elokuvassa tutkitaan naispuoliseen hahmoon kohdistuvan raiskauksen kautta ja naishahmon kokemaa seksuaalista nautintoa tutkitaan fokuoimalla cunnilingukseen.</p> <p>Opinnäytetyössä tarkastellaan onko ennakoasenteellisuutta havaittavissa nimenomaan naisseksuaalisuutta kohtaan tarkastelemalla miten elokuvissa kuvattava naiseen kohdistuva seksuaalinen väkivalta ja naisten kokemaa seksuaalista nautintoa ikärajoitetaan Amerikassa.</p> <p>Tutkimusaineistona käytetään aiemmin julkaistuja tutkimuksia, aihetta sivuavaa kirjallisuutta ja uutisartikkeleita, sekä aiemmin julkaistuja elokuva-alan ammattilaisten ja asiantuntijoiden haastatteluita. Opinnäytetyössä myös tarkastellaan MPAA:n ja CARA:n kiistanalaisia ikärajoituspäätöksiä.</p> <p>Opinnäytetyö alkaa järjestön historian esittelyllä, jonka jälkeen esitellään nykyinen ikärajoitusjärjestelmä. Tämän jälkeen päädytään kiistanalaisten ikärajoitusten esittelyyn ja näiden ikärajoitusten perusteltavuuden pohdintaan. Opinnäytetyö päättyy kirjoittajan henkilökohtaiseen pohdintaan.</p> <p>Tutkimushavainnot osoittavat, että naishahmojen seksuaalisuuteen kohdistuvaa negatiivista ennakoasenteellisuutta on kuin onkin havaittavissa ja cunnilingusta nähtävästi ikärajoitetaan korkeammin kuin raiskausta. Kirjoittaja kuitenkin toteaa, että viime vuosien ikärajoituspäätökset kielivät uusista, rennommista ikärajoitusperiaatteista – toivottavasti luoden vapaamman ja sallivamman luovan ympäristön Amerikan elokuvateollisuudessa.</p>	
Avainsanat	MPAA, ikärajoitukset, oraalisesti, cunnilingus, raiskaus, feminism, CARA

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<p>In this Bachelor's thesis, I will examine how the ratings given to films by the MPAA (Motion Picture Association of America) and its rating division CARA (Classification and Rating Administration) differentiate between narrative films that depict sexual violence towards a female character and films that depict a female character's sexual pleasure. Depictions of sexual violence will be examined with an emphasis on the rape of a female character, and portrayals of female sexual pleasure will be examined with an emphasis on cunnilingus.</p> <p>The thesis examines whether the MPAA's rating decisions display a negative bias toward female sexuality by juxtaposing these two opposing elements, and investigating how these two different types of explicit elements are granted "age-appropriate" labels.</p> <p>The research material of this thesis consists of previously published studies, scientific journal articles, interviews of filmmakers and industry experts and literature surrounding the study's themes.</p> <p>The thesis begins with an overview of the Association's history, followed by a brief introduction of the rating board and the methodology it utilizes. This leads to an examination of the Association's rating patterns in regard to portrayals of rape and cunnilingus in film, followed by a contemplative and summarizing analysis of all the aforementioned material. The thesis ends with a short personal statement.</p> <p>The research results indicate that depictions of cunnilingus in film are given higher ratings than portrayals of rape – even when rape scenes are visibly more explicit. These results suggest that context is not adequately taken into consideration in the film rating process. However, recent years have suggested a careful progression of the MPAA's and CARA's views on sexuality. This development, hopefully, will lead to a more accepting and open creative environment within the American film industry.</p>	
Keywords	MPAA, The Motion Picture Association of America, film ratings, cunnilingus, rape, oral sex, film theory, feminism

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## 1. Introduction

In this Bachelor's thesis, I will examine how the ratings given to films by the MPAA (Motion Picture Association of America) and its rating division CARA (Classification and Rating Administration) differentiate between narrative films that depict sexual violence towards a female character and films that depict a female character's sexual pleasure. Depictions of sexual violence will be examined with an emphasis on the rape of a female character, and portrayals of female sexual pleasure will be examined with an emphasis on female-centered oral sex (cunnilingus).

### 1.1. Research Question and Background of the Study

Ever since it was founded in 1945, The Motion Picture Association has been a constant subject of public debate. In recent years the organization has come under fire for its seemingly arbitrary rating method. The MPAA is an American trade association that represents six major Hollywood studios, otherwise known as "The Big Six" (Paramount Pictures, 20th Century Fox, Warner Bros. Entertainment, Walt Disney Studios, Sony Pictures Entertainment and Universal Studios) and is funded almost entirely by these six studios (Sandler 2007, 125). The omnipotence and importance of the Big Six in the American film industry are undeniable, for example, the combined North American market share of said studios was 80.6% in 2015 alone (Box Office Mojo 2016) (Appendix 1). In addition to advancing the business interests of its members, the organization also battles against piracy, lobbies for Hollywood in the political sphere, works towards protecting copyright laws, and – most importantly for this thesis – administers the MPAA film rating system. The causal effects of these studios' decisions and tradition have a far-reaching effect on our modern-day film industry, as will be examined in this thesis.

In the United States of America, all official film ratings are administered to films by the Classification and Rating Administration (CARA), a rating division that operates under the jurisdiction of the MPAA. The CARA rating board, which is reportedly led by MPAA-mandated staff, examines each film and assigns them one of the five current ratings. The rating board consists of staff that the MPAA's former president and founder of the rating system, Jack Valenti, often called "average American parents - neither Gods nor fools" (*This Film is Not Yet Rated* 2006, USA). The term "average American parents", in this case, refers to a handful of Californian parents that are not supposed to have any

ties to the film industry. This system is thought by many to be flawed, as the objectivity of this small group of parents is questionable. In light of the rating board's history of confusingly inconsistent and unreasonable rating decisions, one would not be wrong to speculate whether the utilization of child psychology experts and trained industry professionals might lead to safer and better-informed rating decisions (*This Film is Not Yet Rated* 2006, USA.)

The Association's rating staff is widely considered to be more lenient towards violence than sex in films. In fact, according to the Association's own web site, roughly four times as many films had been given the NC-17 for containing sex and/or sexual themes than for graphic violence between 1990 and 2006 (*This Film is Not Yet Rated*). It comes as no surprise, then, that questions surrounding the inner-workings and values of the organization have been raised in media regularly –especially by independent, feminist and LGBT filmmakers.

Though the MPAA rating system was originally founded in 1968 as replacement of the Hays Code and protection from government-administered censorship, the system has been criticized for counter-productivity, acting as a pre-censoring entity in American cinema. Though it is a popular public opinion that a rating system is needed, the current one is problematic to many. First, sexual content seems to be given a much higher rating than violence, even when the violence is arguably more graphic. Second, the highest rating of the rating system, the NC-17 rating, is seen as a death sentence for the film it is given to. As I will discuss later, ratings determine how many film theatres a film is screened at, which hugely affects ticket sales. This gives CARA members and the MPAA indirect yet notable power by determining which films earn money on opening weekend and which don't, consequentially determining what types of productions are considered too risky (Sandler 2007, 185-199).

The current rating system comprises of five ratings: G (General Audiences – All ages admitted), PG (Parental Guidance Suggested – Some material may not be suitable for children), PG-13 (Parents Strongly Cautioned – Some material may be inappropriate for children), R (Restricted – Under 17 require accompanying parent or adult guardian) and NC-17 (No one 17 and under admitted) (Appendix 2). The large contextual gap between the R- and NC-17 ratings and the NC-17's somber commercial history reportedly cause production companies to avoid the highest rating. As a result, filmmakers can find themselves in the claustrophobic situation of being forced to cut content out of their film in order to receive a lower rating. This pressure is often amplified by financiers and distributors contractually forbidding the filmmaker from accepting an NC-17 rating.

The ever-growing avoidance of the NC-17 has resulted in a very broad and confusing R-category, dubbed by some as the "Incontestable R" (Sandler 2007, 122).

Today, getting an NC-17 is seen as a form of financial suicide. The category is financially insignificant, consistently accounting for under 0.1% of the five MPAA ratings' total revenue (Appendix 3). This may be partially explained by the fact that once a film receives an NC-17, it is no longer eligible for wide distribution in the United States, as the National Organization of Theatre Owners (NATO) will not allow it on any of their 32,000+ motion picture screens in the United States. Even major distributors of DVD- and Blu-Ray discs, such as Redbox, will not carry NC-17 films in their catalog (Redbox 2016). Furthermore, effective and widespread marketing of NC-17 films in mainstream media is extremely difficult, largely due to marketing laws and restrictions (Susman 2013, Rolling Stone Magazine & Goldberg 2011, Collider)

It is important to recognize the contextual difference between the R and NC-17 ratings, as the material which seems to cause these high ratings, in essence, leads to systematic elimination of said content in films. This also means that if it indeed is true that sexual content is viewed as more 'obscene', 'immoral', 'inappropriate' or 'explicit' than other controversial content, such as violent material, it might result in a sex-oriented stigmatization of the NC-17 and sexual content's subsequent lack of appeal to studios and industry players that are mainly seeking major ticket revenue.

Although the rating system was originally founded for the sole purpose of informing parents about explicit material in films and thus giving parents tools to decide whether their child should see the film in question, the rating system's operating principles seem to also ironically take some of the decision power away from parents. This is due to the fact that the majority of film theatres – including some independent film theatres – will not seat children under 18 into a screening of an NC-17 film, even with their parent's permission. Furthermore, the rating restricts minors from seeing a film even when accompanied by a parent or legal guardian. This strictness is largely due to film theatres' fear of breaking the rules set by the MPAA and actively enforced by NATO. The MPAA has described the NC-17 as a label reserved for films that "most parents would consider patently too adult for their children of 17 and under". (Scott 2013, The New York Times). Yet, as will be discussed later in this thesis, many recent studies have shown portrayals of violence to have a profound effect on a child's psyche – even more so than sexual content. It is, therefore, important to speculate whether it is more harmful



for young people to see portrayals of consensual sex in film than it is for them to see depictions of sexual violence.

Ron Leone, in his 2004 study *Rated Sex: An Analysis of the MPAA's use of the R and NC-17 Ratings*, notes that the difference between the R and NC-17 is “severe and far-reaching”, and that at that level “the MPAA acts more like a censor – by rating a film NC-17, they take the decision-making process out of the hands of parents of adolescent children” (Leone 2004, 69). The fact remains that when it comes to the NC-17, American parents are not in control of deciding what is appropriate for their children and teenagers to see in theaters. That decision is made for everyone, by a small group of anonymous Californian parents working for the MPAA.

Movie ratings provide parents with advance information about the content of movies to help them determine what's appropriate for their children. After all, parents know best their children's individual sensitivities and sensibilities.  
-Film Ratings (MPAA.org, Searched April 6<sup>th</sup>, 2016).

It is, therefore, also worth asking: If the MPAA decides that films exploring open, uncensored sexuality, particularly homosexuality and whatever is deemed pervasive or “aberrational behavior” to be too explicit for audiences to see, consequentially preventing the majority of film theatres to screen them, major retail corporations to carry them and mainstream media to advertise them, thus creating a pressure for film production companies to avoid said projects – does it mean that the MPAA is one of the major reasons American film so rarely contains realistic portrayals of female sexuality?

By taking all of these elements into consideration, this study will attempt to explore whether the MPAA, indeed, has a negative bias toward female sexuality within their method rating system, thus contributing to a cultural environment that is not only restrictive towards feminist filmmaking but also pre-censoring in its nucleus.

## 1.2. Source Material

To adequately understand the surroundings of the examined topic, it is important to become familiar with the MPAA's history, as well as the rating system's political traditions. This thesis, therefore, begins with an overview of the history of the Association, followed by a brief introduction of the rating board and the methodology it utilizes. This

will lead to an examination of rating patterns in regard to portrayals of rape and cunnilingus in film. This examination will then be followed by a contemplative and summarizing analysis of all the aforementioned material, ending the thesis with a short personal statement.

The source material of this thesis consists of articles and literature concerning the MPAA's recent rating decisions, published theses on sexual pleasure and rape in film, interviews of former and current employees of the MPAA, as well as statements and reports of filmmakers that have publicly challenged decisions of the MPAA. The research discussed in this thesis varies from notable and extensive studies to other undergraduate-level theses. The literature discussed in this thesis mainly consists of industry books on the subject that have been published within the last two decades.

Kirby Dick's exposé documentary on the MPAA, *This Film is Not Yet Rated* (2006, USA), will be widely cited in this thesis, as it continues to be one of the most illuminating and comprehensive pieces on the subject. The film contains a colorful and wide catalog of interviews and industry experts that cannot be found anywhere else, making it highly quoted in this study.

In addition to the aforementioned material, I will be utilizing articles and essays concerning the MPAA's patterns of rating rape and cunnilingus in film. As a direct result of several high-coverage cases of filmmakers challenging the MPAA, there has been a wide range of media coverage on the subject – especially when a film has originally received an NC-17 for a female-focused sex scene. High profile cases like this include Wayne Kramer's *The Cooler* (2003, USA), Derek Cianfrance's *Blue Valentine* (2010, USA), Frederik Bond's *Charlie Countryman* (2013, USA, Romania), Abdellatif Kechiche's *Blue is the Warmest Color* (2013, France, Belgium, Spain) and Jill Soloway's *Afternoon Delight* (2013, USA).

### 1.3. Research Limitations

Reliable information about the inner-workings, principles, and methodology of the MPAA and CARA are scarce due to the fact that official association documents are almost exclusively classified, and employees are reportedly asked to sign non-disclosure agreements upon employment (*This Film is Not Yet Rated*, 2006). Individuals interested in the Association have primarily been reliant on trade publications, national newspapers, court transcripts, government hearings, commission reports, interviews and

statements of a handful of former CARA and MPAA employees, as well as MPAA-focused public statements made by industry professionals (Sandler 2007, 6).

Despite the lack of official records and documents available to the public, several studies have been conducted on the rating system and the seemingly arbitrary process of self-regulation in the film industry that it supports. Studies like these primarily depend on statistics and lists concerning past ratings and rating descriptions, which CARA began providing in 1990. Rating descriptions provide brief explanations to why a film has been given a certain rating. These descriptions can be anything between objective and mild descriptions, for example, "Drug Material" or "Strong Language", to the use of dispositional adjectives such as "Pervasive", "Sadistic", "Brutal", "Grisly" and "Disturbing", which some believe to be unwarranted subjective descriptions of the material.

Another method of research applied by industry professionals interested in the subject has been to examine high-rated or unrated Director's Cuts, by juxtaposing them with official MPAA-rated versions. Many R-rated Director's Cuts are 'original' cuts of films, later edited down to attain a lower, more easily distributable rating. Unrated versions often illuminate what the MPAA has deemed to be explicit in an individual case and especially helps illustrate any indications of sexual bias. Unrated versions of films, not distributable in most film theatres have found their market place in On Demand platforms and continue to be an important source of income to many independent filmmakers. Opposition to unrated films has been voiced by the MPAA's former Chairman and CEO Dan Glickman, who speaking at the 2007 ShoWest industry trade show called unrated versions "a slap in the face" and an element that "challenges and flouts our rating system."(Sandler 2007, 204.)

In addition to having little official material of the examined Associations, much of the research and studies referred to in this thesis are from the previous decade, occasionally making them seem outdated. However, fundamental structural changes have been minimal within the MPAA and CARA and if the aforementioned Associations have confidentially made significant internal changes in their operating policies, they are not yet visible.

#### 1.4. Why This Subject?

Four years ago, I decided to get my filmmaking degree in my native country of Finland. Studying and working in Finland has brought me a lot of perspective on the feminist issues surrounding filmmaking as an art and as an industry, as Finland is currently more lenient toward sex in film than the United States. Although Finnish female filmmakers are faced with many of the same obstacles as many women internationally, the

inclusion of sex does not seem to be as stressful of a topic as in the U.S. With awareness and knowledge of these different filmmaking cultures, I hope to produce film that will help make female sexuality less of a taboo in cinema. It is my wish and ambition to work on European and American co-productions in my film career, hopefully someday accomplishing to make female-focused and sex-positive films for audiences in both countries.

The fact that I am female and interested in feminist cinema does not exactly make the concerns analyzed in this thesis easy for me to digest. Since I am primarily interested in producing female-lead films, I felt it important to examine and contemplate the structural and institutional barriers that feminist filmmaking faces in the modern film industry. Realistic and complex portrayals of female characters, stories that are very important to me, often contain non-traditional portrayals of sex, as the point of view in these films often belongs to its central female character. The lack of a *male gaze*<sup>1</sup> can seem unsettling or surprising in a sex scene, as the majority of films are still considered to fall within the male gaze-category, making any other point-of-view seem strange or unfamiliar. Many of the films discussed in this thesis contain either a *gaze-neutral* perspective or lean more toward the *female gaze*.

Although this study specifically concentrates on ratings within the framework of oral sex and rape in cinema, I am simply using these extreme opposites to prove a bias I believe to be at work within the Association and the film industry. The examination of the explicit and oftentimes gruesome rape films does not mean to say that all representations of rape are explicit or negative in film, or that rape should not be included in any particular storyline, but rather to prove the MPAA's general acceptance of said material. Similarly, I do not mean to state that cunnilingus is the best way to portray a female character's sexual pleasure, but rather to utilize it as a comparison tool in this study. By examining films that have received a high rating for a cunnilingus scene, it is fairly simple to narrow down the amount of sex-positive material and exemplify that there, indeed, is a bias toward female sexuality in film.

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<sup>1</sup> The *male gaze*, famously described first in 1975 by feminist theorist Laura Mulvey, refers to the occasion of women serving as a passive "erotic spectacle" to accommodate active "male desire" on film (Mulvey 1975, 62-67). The existence of the male gaze is in itself unsurprising as the majority of films in the West are still produced by men, however, it is the *quality* of this gaze than can become disturbing in certain context, as will be discussed later in this thesis.

Due to the fact that cunnilingus is still a fairly invisible and stigmatized element in film, as well as being an act that is oftentimes used to portray a female character's pleasure instead of exclusively the male's, it forms an interesting and potent instrument in supporting the hypothesis of this thesis. I would also like to add, that although sexual violence is everyone's issue regardless of gender and despite rape being a reality across gender boundaries and sexual preferences, I, unfortunately, will not be discussing these aforementioned representations of rape in this thesis. Rather, I will be examining the heterosexual rape of a female character in order to narrow down the examined material and shed light on the MPAA's bias toward female sexuality in particular.

Though awareness of gender inequality in cinema seems to be increasing, largely due to the many recent studies and articles concerning the subject matter, it would seem that the general public is not all that aware of the institutional and historical reason for this divide. Through this thesis, I hope to offer some explanations for the lack of female-centered, sex-positive portrayals on screen and share insight on obstacles feminist filmmaking has faced – and still faces – in America. Hopefully, the increased knowledge of this issue will provide the readers of this study new insight and understanding of sexual pain and pleasure in film and comforts those filmmakers and artists, who have at times believed they might only be imagining the existence of this significant and problematic disparity within our modern filmmaking industry. If nothing else, this thesis will provide its readers with a catalog of films containing interesting oral sex scenes – especially to those tired of seeing dimly-lit scenes of heterosexual couples, simultaneously reaching orgasm in the missionary position.

## **2. The MPAA – An Overview**

### **2.1. The Hays Code and the MPPDA**

Before adopting its current name, The Motion Picture Association of America was known as Motion Picture Producers and Distributors of America (MPPDA), founded in 1922. Founded to advance business interests of its members and make Hollywood more attractive to Wall Street investors, the MPPDA represented eight major Hollywood studios, otherwise known as the "Big Eight", formed by 20th Century Fox, Columbia Pictures, MGM, Paramount Pictures, RKO Radio Pictures, United Artists, Universal Studios and Warner Bros. In the "Golden Age" of Hollywood, late 1920s to late 1940s, The Big Eight was responsible for controlling 98% of the American market and employed the most popular directors and performers of the era (Finler & Finler 1988, 40).

In the early 1920s, the American film industry became the subject of widespread public scorn after a series of high-coverage scandals in Hollywood. The last straw came in the form of a court case when a young woman named Virginia Rappe was raped and killed at one of Roscoe "Fatty" Arbuckle's infamous house parties and the popular comedian was accused of rape and murder. The endless-seeming string of immoral scandals aggravated the American public, which after the Arbuckle incident irrevocably turned its gaze towards the government. Pressured by the White House and audiences alike, the eight major studios realized the need for a trade association that would defend their interest and rights, as well as work toward improving Hollywood's general image.

Explicit and immoral content had already been the subject of several court cases in the early 1900s, most famously in 1915's *Mutual Film Corporation v Industrial Commission of Ohio*, in which the Supreme Court unanimously decided that free speech did not extend to the motion pictures. Afraid of another court case to further restrict the filmmaking community, the MPPDA's most important task would become finding a way to make Hollywood's public image more favorable. Film historian Richard Maltby emphasizes in his book *Harmless Entertainment: Hollywood and the Ideology of Consensus*, that operating behind the Production Code were inherently economical values, and with its aide Hollywood "could be made to appear respectable in the public eye, their products would be less liable to hostile scrutiny, and hence more profitable" (Maltby 1983, 96).

The means to keep Hollywood autonomous from governmental interference would end up acting as a self-censoring force in the form of the Motion Picture Production Code, otherwise known as "the Hays Code", which among other things, "banned sexually suggestive acts and language which some people thought offensive" (Becker 1983, as cited in Peck 2015, 5). The Production Code had widespread and long-lasting effects on the industry, continuing its traditions in Hollywood long after its dismantlement.

## 2.2. The "Be Carefuls" and the "Don'ts"

The Motion Picture Production code, which was constructed in 1930, and ushered by the MPPDA's first president, Presbyterian and Republican William H. Hays, consisted of numerous key points falling into two categories: The "*Be Carefuls and the Don'ts*". This list of damaging content was meant to act as a guideline for filmmakers and theatre owners, informing them what content and themes would or would not be allowed in cinema. (Sandler 2007, 20)

"No picture should lower the moral standards of those who see it."

-The Motion Picture Production Code 1930, General Principles

The "*Be Carefuls*" were subjects and themes wherein special care should be exercised, so as to eliminate suggestive material. This meant that some material falling into the category could be considered suitable, as long as it was presented in the accepted manner. The "*Be Carefuls*" section of the Hays Code comprised of twenty-five key points, eleven of which were of sexual subject matter and only five relating to violence.

The Don'ts -category was absolute in its strictness. No material listed in "*The Don'ts*" would be accepted in any form, despite the manner they were represented in. Films containing said content would not make their way onto theatre screens, as they either would not survive to the production stage or would be blacklisted by the Association. No material listed in "*The Don'ts*" would be accepted in any form, despite the manner they were represented in. Out of the eleven key points in "*The Don'ts*" category, five were to do with sexual content, whereas violent material was not listed at all. To further exemplify the differences between these categories and to illuminate what type of subject might have been considered as fragile or forbidden, "*The Don'ts*" category entailed the following subjects: "Any licentious or suggestive nudity", "any interference of sex perversion", "miscegenation", "sexual hygiene" and – interestingly – "scenes of actual childbirth, in fact or in silhouette". In comparison, "*The Be Carefuls*" included the following subjects, "The sale of a woman or of a woman selling her virtue", "rape or attempted rape" (The Motion Picture Production Code, 1930).

The tendency to view violence in a more accepting manner than sexuality is especially interesting for the subject field of this study since the tradition seems to continue to this day. Though the Motion Picture Production Code continued to restrict film content in the United States for decades to come, the code changed and morphed into new forms in wake of the Second World War. In 1945, four-time president of the United States Chamber of Commerce, Eric Johnston, was named the president of the MPPDA, bringing with him new and more lenient views toward film content and the Production Code. (Sandler 2007, 26-29)

The founding of the MPPDA also helped the major studios to retain their power over the industry by adopting a "film certificate" system. In efforts to ensure no immoral films be granted theatrical distribution, the MPPDA began to administer film certifications that would prove whether a film had been viewed by the Association. An MPPDA certificate would become absolutely necessary for a film to be screened, as film theatres were not allowed to show uncertified motion pictures. This, of course, would benefit major studios, which until the late 1950s owned and managed the majority of film the-

atres in America. Though The Motion Picture Production Code would exist with varying authority well into the late 1960s, the MPPDA, as it was, would not. During his first year as president, Eric Johnston rebranded the Association, naming it the Motion Picture Association of America (MPAA).

### 2.3. The Beginnings of the MPAA

Post-war America was modernizing fast, and by the early 1950s it had become inherently clear that the Motion Picture Production Code could not retain its authority without adjusting to the changing times. With the advent of teen culture and release of increasingly explicit and progressive films, such as *The Moon is Blue* (1953, USA) and *Some Like it Hot* (1959, USA), increasing amounts of filmmakers began testing the MPPDA's boundaries by including increasing amounts of suggestive material in their films and paying less attention to the Code (This Film is Not Yet Rated, 2006).

In 1966, sensing a need for change, the MPAA once again turned to Washington for help and hired as its new leader Jack Valenti, a former aide to President Lyndon Johnson. As one of his first tasks, Valenti was faced with examining and censoring the language in *Who's Afraid of Virginia Woolf?* (1966, USA). The film would be the first film in American history to receive a separate descriptive rating label when Valenti granted it a Suggested for Mature Audiences (SMA) description. The SMA suggestion is now widely seen as the first pre Rating System label, distinctly separating explicit films from all other movies and marking the beginning of age-appropriate categorization culture in American films. (Sandler 2007, 36-41.)

With the filmmaking community's fast-growing disregard for the Production Code, major studios started becoming increasingly concerned by the chance of governmental interference in the film industry and law-enforced censorship that production companies would not be able to neglect. Pressured by the Big Eight and inspired by his experiences with the SMA-label, Valenti replaced the Motion Picture Production Code with the Voluntary Film Rating System in 1968 - an attempt to establish a new form of Hollywood entertainment, described by Valenti as "responsible entertainment". (Sandler, 36-41). The original ratings, used from 1968 to 1970 were as follows: G (General audiences), M (Mature audiences – parental guidance advised), R – (Restricted - admission limited to persons under 16, unless accompanied by parent or guardian), X (No one under 16 admitted). (Sandler, 45.)

Though the fear of further legislative restrictions toward filmmaking was indubitably a major concern in the pre-1968 cinematic community, it has later been suggested by



some, like film scholar Dr. Dorothy Hamilton, author of *Hollywood's Silent Partner: A History of the Motion Picture Association of America Movie Rating System*, that at no point was Hollywood truly at risk of widespread government interference and that the MPAA used, and continues to use, the fear of governmental censorship to keep power and control in the motion picture industry (This Film is Not Yet Rated, 2006).

The NC-17 rating did not exist until 1990, as explicit films were, up to that point, granted with an 'X'-rating. The adults-only category carried an exciting and titillating air especially for young people, making the adult entertainment industry quick to adopt it into their iconography. The X-rating, later discussed in part 3 of this thesis, would almost immediately after the establishment of the rating system become a source of frustration for the MPAA and filmmakers alike, as the pornography industry adopted the copyright-free symbol into its iconography, making the X permanently associated with the adult entertainment industry. As a reaction to the growing trend of theatre-distributed pornographic films, such as *Deep Throat* (1972), some municipalities took to courts in attempts to prohibit screening of said films. The decisive ruling would come in the form of 1973's *Miller v California* case wherein the Supreme Court effectively eliminated theatrical exhibition of pornography. As the X-rating was by now heavily associated with the pornography industry, narrative fictional films that were primarily meant for adult consumption would become even more unattractive to major studios. According to film historian Jon Lewis, the *Miller v California* ruling would result in a further increase of the MPAA's power and would ultimately lead to CARA ensuring that no MPAA-member studio's film would be released with an X rating (Lewis, Jon 2000, 203 and Sandler 2007, 59).

The negative economic impact and public discontent caused by the X rating had immediate and potent effects on many film studios, which once again began shying away from sexual material in their productions. Perhaps fearing the objection from the MPAA and CARA, film studios started becoming all the more present in their films' screenwriting stage, oftentimes demanding rewrites for scenes depicting sexual content. This culture of pre-censoring screenwriters would make an impact even on respected filmmakers of the era. For example, director Martin Scorsese received a five-page editing suggestion memo from Warner Brothers Studios while writing the film *Alice Doesn't Live Here Anymore* (1974, USA). In a perfect reflection of Hollywood's X-opposing culture, the memo would read "Love scenes must show 'taste' and not lovers" (Farber & Changas 1973, The New York Times).

Today, CARA states that the NC-17 rating is administered to films that are "patently adult" and "may contain explicit sex scenes and accumulation of sexually oriented lan-

guage, or scenes of excessive violence... [It does] not, however, signify that the rated film is obscene or pornographic” (Classification and Rating Administration, as cited in Leone 2009, 68-69). Researcher Ron Leone has however pointed out, that this description is highly telling of the NC-17’s focus on sexual content in their use of the word ‘obscene’. The word ‘obscene’ has also been found to be exclusively used to describe sexual content instead of violent content, most notably in *Violence as Obscenity: Limiting the Media’s First Amendment Protection* (Saunders 1996, as cited in Leone 2009, 69).

#### 2.4. Remnants of the Hays Code in the Current System

“The current movie rating system was born out of the simple notion that the movie industry wouldn’t approve or disapprove what audiences should see, but instead focus on “freeing the screen” and educating parents to help them make movie-going decisions for their family.”  
-CARA’s official Web site, Filmratings.com. (Searched April 2<sup>nd</sup>, 2016)

Today, the MPAA is the sole administrator of ratings for films in the United States of America. Though the Association continues to state that its rating system is completely voluntary and that no filmmaker is obliged to submit their film to be rated, many industry experts claim this to be a naïve statement, as it is still difficult to get theatre distribution for an unrated film since NATO member theatres will not screen them. In contrast to the MPPDA era, today’s film theatre system can be partly bypassed through On-Demand distribution. While some major On Demand distributors, including iTunes and Redbox will not carry unrated films, other major players in the industry, such as Amazon and Netflix accept them into their catalogs.

If a filmmaker disagrees with their film’s first rating, they can take their case to the MPAA’s appeals board. The appeal process is often considered to be a dead end and many filmmakers have reported that it is nearly impossible to get a new rating without widely altering the film in question. The major studios are well-represented in the appeal process, as most of the appeals board is almost exclusively made up of major-studio executives, theatre association owners and, according to some sources, members of the clergy, as well (Dick 2007, Los Angeles Times, 2007 and Vachon & Bunn 2006, 106). Though the previous policy of not being allowed to refer to other films during the appeal hearing has been changed to a more lenient system, the appeals process is still harrowingly difficult and time-consuming, as filmmakers are often asked to provide the raters with several edited cuts. In fact, the process can be so arduous and expensive that some budget-tight filmmakers are not capable of hiring a lawyer to

represent them, or choose not to commit themselves the process at all - as exemplified by the later-referenced case of *Orgazmo*. (The Paley Center for Media, 2000.)

As some filmmakers choose to release their films with no MPAA label, some opt to preemptively cut material from their films in order to get a low rating - subsequently pre-censoring themselves. In a story published by *The Wrap*, Jordan Zakarin reports of former MPAA members Howard Fridkin and Barry Freeman starting their own business, providing help to filmmakers hoping to attain certain ratings. In 2014, Freeman was quoted as saying: "We prefer [working] at the script stage and certainly before [the filmmakers] submit to the MPAA – at the very least we'd like to look at the film and analyze it before it's been submitted, so we can cut down on additional post-production and editing after the fact." (Bernstein 2014, Indiewire). Through *Film Rating Advisors, Inc.* Fridkin and Freeman guide filmmakers in their writing and editing process, suggesting alternatives to certain MPAA-fragile content (Zacharin 2014, *The Wrap*). Fridkin and Freeman are not the only ones cashing in on MPAA issues, as an increasing amount of filmmakers feel they need help to decrypt CARA's operating standards. Ethan Noble, another advisor for filmmakers, was quoted by the *Los Angeles Times* as saying "I've worked with hundreds of clients and have never counseled anyone to take an NC-17. It's simply not worth the risk" (Zeitchik 2012, *Los Angeles Times*).

It is also arguable that although Jack Valenti emphasized the separation of the rating system from the Motion Picture Production Code, the influence of Hollywood's censorship-era still echoes on in the new system – especially when it comes to sex. In *The Naked Truth: Why Hollywood Doesn't Make X-Rated Movies*, Kevin S. Sandler argues that "the collective shunning of the NC-17 by the MPAA and NATO members remains a primary mechanism for industry self-regulation and self-preservation in the ratings era", making the rating system merely a new, more liberal version of the same creative barriers filmmakers faced in pre-1968 Hollywood (Sandler 2007, 4).

Since the MPAA is not a censorship organization, it is not supposed to hand out specific editing notes to make a film more favorable for the raters. Yet, it has been highlighted time and time again that the MPAA and CARA have often provided detailed editing suggestions to people working for big studios. A vocal critic of the MPAA, producer and director Matt Stone has stated that although he never got any real tips to reduce the NC-17 rating for his independently financed film *Orgazmo* (1997, USA) years later he received extensive and detailed editing suggestions from the Association for his Para-

mount-produced film *South Park: The Movie* (1999, USA), ensuring the film would receive a contractually obligated R-rating in replacement of the original NC-17. (*This Film is Not Yet Rated*, 2006.)

In a study for the journal *Organizational Science*, David Waguespack, an assistant professor at University of Maryland's Robert H. School of Business and Olav Sorenson, a professor at Yale's School of Management found, that in their rating process the MPAA acts more leniently towards major studios than independent ones. The study, *The Ratings Game: Asymmetry in Classification*, concluded that on average, independent studios were 24 percent more likely to receive an R rating than big studios. When taking into consideration the risk-averse nature of big studios, the difference was still a notable 7 percent. In an e-mail written to *Slate.com*'s Timothy Noah, Waguespack added that the clearest case of the MPAA treating big studios leniently is the PG-13 rating given to *Titanic* (USA), MPAA-members' Paramount's and 20<sup>th</sup> Century Fox's 1997 epic love story. The film, which contains partial nudity, explicit shots of dead bodies and an overall traumatic tone had a 99 percent likelihood of getting an R-rating when compared to MPAA's previous rating patterns, yet still received the highly favorable PG-13. In comparison, the 1999 Bernardo Bertolucci film *Besieged* (*L'assedio* 1998, Italy, UK), produced by independent film studio Thandie Fine Line, received an R when its likelihood of receiving the rating was only 2 percent. (Noah 2011, *Slate.com*.)

The MPAA's favoring of major studios would also explain how it was possible for the Universal Studios -produced sexual drama film *Fifty Shades of Grey* (2015, USA) to receive an R. The film, which specifically focuses on a young woman's sub-dominant sexual relationship, contained a wide array of sexual content, which CARA described as "strong sexual content including dialogue, some unusual behavior, and graphic nudity". As a reaction to this description, the independent organization, National Association on Sexual Exploitation (formerly known as Morality in Media) released its own description of the film, saying the film "Promoted torture as sexually gratifying, encourages stalking and abuse of power, promoted female inequality, glamorizes and legitimizes violence against women" (Zuckerman 2015, *Entertainment Weekly*). Despite the fact that the film has a female lead with a sexually charged storyline, the film can not quite be seen as a feminist victory in cinema precisely because of the way in which the female character's sexuality is portrayed as well as the idealization of an unequal and abusive sexual relationship. The film's high level of sexually explicit content could be

considered telling of the MPAA's growing lenience towards sex in film but this claim weighs less when reminded that the film was produced by a Big Six member.

The Big Six's reluctance to produce NC-17 films is logical from a business perspective. As large corporations trying to maximize profit, the minimizing of high-risk investments is less than surprising. Complicating matters further is the fact that MPAA-member studios are not allowed to release any films without MPAA ratings. The limitation makes the distribution of unrated films impossible for the Big Six, thus making adult-only films even less appealing as the NC-17 category's total revenue is the lowest of all the film ratings. "We were in a quandary. We had a film from one of the greatest filmmakers who ever made films and we couldn't release it without a rating", said Fox Searchlight's president Peter Rice of Bernardo Bertolucci's sexual drama *The Dreamers* (2004, UK, France, Italy). The film received an NC-17 rating for "explicit sexual content", which originally made the studio pressure the filmmakers into cutting the film down to an R. Demanding his film go unaltered, Bertolucci was ultimately able to release *The Dreamers* with its NC-17, making it one of the only major-studio distributed NC-17 films (Topcik 2004, *The New York Times*).

The issue of context can be directly associated with the Production Code era. Roger Ebert criticized the MPAA for not efficiently considering the context of explicit material in film, saying it "should have changed its standards long ago, taking into account the context and tone of a movie instead of holding fast to rigid checklists" (Ebert 2010, *The Wall Street Journal*). It is the word 'checklist' that is particularly important, as the Production Code was, in a sense, a long and unforgiving checklist. As discussed earlier, the MPPDA considered there to be content that was not to be portrayed in any circumstance, no matter what context the filmmaker placed the material in. It is fair to say that admitting a rating to challenging, confrontational or explicit content becomes useless if the context of said material is not considered wholly. As with the MPPDA's Production Code, the context of explicit material does not seem to effect CARA raters' viewing process. To exemplify this lack of context-consideration, both *The King's Speech* (2010, UK, USA, Australia), a film about Henry XIII's speech impediment and *Bully* (2011, USA), a film made to raise awareness about bullying amongst teenagers, were originally given R-ratings for including more than one use word 'fuck'. The importance of context while assigning ratings will be later on discussed in this thesis through the *Trust* (2010, USA) and *Sucker Punch* (2011, USA) cases, as it is arguably and instru-

mentally important element to consider when determining the age-appropriateness of any particular piece.

### 3. The Film Rating System

#### 3.1. The MPAA's Rating Methodology

Completely autonomously and with very little accountability, members of the Classification and Rating Administration (CARA) watch submitted films and try to give them what CARA's website describes as "Advance information about the content of movies to help them determine what movies are appropriate for their children" (CARA 2016). Providing descriptions of explicit content is not the only tool the MPAA provides parents with. To categorize films suitable for different age groups, there is the rating system; five different ratings, one of which is being granted for each submitted film.

"There's no reason why the movie ratings . . . can't be dealt with in a reasonable, public way, so there's accountability. So there's a sense that it shouldn't be off-limits to discussion. We shouldn't hide our key decisions in a cave, where you only get the result and have no clue to the thought processes behind it."  
- Jay Landers, former MPAA-employee (Waxman 2001, The Washington Post)

The rating system is shaped and decided by the MPAA, and administered by CARA and its members. CARA does not disclose the identity of its members, therefore erasing any chance of accountability - a detail that has been a subject of criticism for decades. The only information CARA provides of its members is that the rating board solely consist of parents with children aged 5 to 17. Filmmaker Kirby Dick proved this to be false in his exposé documentary *This Film is Not Yet Rated* (2006). Through hiring private investigators to follow CARA and MPAA members, Dick discovered that many of the people on the ratings board either had children aged over 18, or no children at all.

Very little is known about the operational customs of CARA. Kevin Sandler, who has done extensive research on both CARA and the MPAA, describes the rating process in the following manner: "Rating Board executives watch three, sometimes four, films each day. After each film viewing the members complete "green ballots", spelling out their reasons for the rating according to the following criteria: subject or theme and the treatment of language, violence, sex and/or nudity, and other (for example, drug use). The examiners ask the same themselves the same question for each criterion "Is the

rating I am about to apply one that most parents in America would find accurate?" .The rating board then gives an overall rating based on their assessments." (Sandler, 126.) One of the few former employees of the MPAA to speak out on the Association, Jay Landers told The Washington Post in 2001 that "there [wasn't] any clear set of standards that in a sense you were taught and then had to apply. There was no kind of rater training process. People were hired, they were put into the screening room, put in the rating chair, and started rating films." (*This Film is Not Yet Rated*, 2006). The system has garnered strong criticism from the scientific community, as the system continues to exclude industry professionals and child psychology experts from the rating process, their method of viewing visual content does not coincide and evolve in conjunction with new findings in child development and media research – a topic that will be briefly discussed later on in this thesis.

### 3.2. The R Rating and the Ratings Creep

The R (Restricted) rating, though arguably not as controversial as the NC-17, has not avoided its fair share of criticism in the last decade, largely due to recent studies condemning the rating's overall vagueness and inherent acceptance of graphic violence. As the contextual gap between what is accepted in R and NC-17 films is considerably broad, the distance between the PG-13 and R category is becoming narrower – especially when it comes to violence. In a 2013 study conducted by the Annenberg Public Policy Center, it was discovered that gun violence in the most popular PG-13 films had tripled in the last three decades, and in a second study sponsored by the same center, it was found that PG-13 and R movies exhibited similar levels of violence (Bleakley, Romer & Jameson 2013, Annenberg Public Policy Center).

"We think they figured out violence sells... The only real difference between PG-13 and R are sex and profanity."

-Dan Romer, Annenberg Public Policy Center (Sneed 2014, U.S. News)

This increase of violent material in lower rating categories, described by media critics as the "ratings creep" and first proved legitimate by a 2004 Harvard study, has inspired multiple researchers to examine whether the increase applies to other explicit material in film, like sex (Yokota and Thompson 2004, Harvard School of Public Health). In a 2002 study conducted by the Annenberg Public Policy Center, it was discovered that "Explicit violence in R-rated films increased while films that would previously have been rated R were increasingly assigned a PG-13. This pattern was not evident for sex..." In another study published in the *Journal of Children and Media*, Ron Leone and Laurie Barowski came to a similar conclusion as the Annenberg Center when testing the rat-

ings creep hypothesis, discovering that between 1988-1997 and 1997-2006 the MPAA had become noticeably more lenient toward violence whereas this same increased acceptance did not reach other types of adult content (Leone, Barowski 2011, *Journal of Children and Media*).

The MPAA's heavier discrimination of sexual content compared to that of violent content has been voiced by former raters, as well. Former CARA member Stephen Farber has criticized the Association several times, claiming that CARA is more restrictive towards nudity and sex than of violence, "Much of the classification was actually done with an eye to what disturbs adults – G-rated movies were not necessarily those most suitable for children; they were the ones on board considered least likely to offend adults" (Leone, 69). Farber's comments are disturbing, as they are extremely reflective of the raters' failure to view films in an objective, child-centered perspective.

Studies supporting the assertion of the MPAA's failure to equally treat violent and sexual content in film include Linz, Wilson and Donnerstein's 1992 study *Sexual Violence in the Mass Media* and Ron Leone's 2004 study *Rated Sex: An Analysis of the MPAA's Use of the R and NC-17 Ratings*. In this study, Leone found that in a random selection of films from the time of the new system's establishment in 1990 to the time of the study, *violence* was mentioned in 80.8% of R-rated movies and *sex* mentioned in 57.7%, whereas *violence* was mentioned in 30.8% NC-17 movies when *sex* was mentioned in 96.2%. (Leone, 71.) Leone's findings highlight the MPAA's pattern of rating violence more leniently than sex, furthermore proving that most often it is sexual content in particular that gains a film an NC-17. It is no wonder if public perceptions of the rating lean more heavily toward sex and adult entertainment material.

The MPAA's treatment of sexual material has not gone unnoticed by the country's highest judicial bodies. In 1990, Miramax Films made a federal case over the MPAA's X-rating for *Tie Me Up! Tie Me Down!* (1990). Supreme Court Justice E. Ramos upheld the rating, but with great impact remarked that "An often leveled criticism of the MPAA is that violence in films is condoned to a greater extent than displays of sexual activity... It may well be that interests of children are not adequately protected, or even endangered by providing [a cover] of acceptability to extremely violent films." (Tusher 1990, *Variety*).

"What's driving the increase of PG-13 is that R is not the kiss of death that NC-17 is."  
-Tom Adams, IHS Media Analyst (Sneed 2014, U.S. News)

"In today's real world, there are only two meaningful ratings: R and not-R."  
-Roger Ebert (Ebert 2010, *The Wall Street Journal*).



The vast difference between what is accepted in R and NC-17 films has also been noted by NATO president John Fithian, who in 2014 described the current system as "slightly flawed in the reluctance of filmmakers and distributors to use the NC-17". Fithian continued, "What they'll do is cut and trim and try to cram a movie into the R rating category so that it escapes the NC-17, and that's not a legitimate use of the system. We end up with a very broad category". In the same story, CARA's chairman Joan Graves commented on the allegations of CARA becoming increasingly more lenient towards violence than sex by saying that parents "Have much more confidence in their own children sorting out through the violence". (Sneed 2014, U.S. News.) Graves' statement may hit a sore spot for many filmmakers. The quote in question seems to somewhat verify the widely hypothesized notion that CARA raters consider audiences being more capable of critically viewing violence than sex.

### 3.3. The NC-17 Rating and the Masterpiece Exception

As noted earlier, the NC-17 films also form the lowest grossing category of the entire film rating system, allegedly making the production of NC-17 films unattractive to film studios (Pollard 2009, 142). Especially, it would seem, to those belonging to the "Big Six". Questions about this divide have been raised for decades now as the current rating system seems to indirectly cater to the big studios, which are mainly interested in producing PG-13 films. Further discouraging independent filmmakers, production companies that do not work under the six major Hollywood studios are more likely to be given a stricter rating than the majors (Waguespack & Orenson 2010, 17-19). Coincidentally or not, independent filmmakers are also known to tackle themes of human psyche and sexuality in a more candid manner than their high-grossing counterparts. As the MPAA's purpose is to represent the major studios, it is valid to contemplate whether the major studios' unwillingness to produce even slightly sexually explicit material has a suppressive effect on the entire creative atmosphere of the American film industry.

"There's no question there's a stigma. If you have any ideas on how to break it, I'd love to hear them."

-CARA's Chairman Joan Graves (Zeitchik 2013, Los Angeles Times)

Not only is the NC-17 unappealing from a business perspective, but it would also seem fairly unattractive to those concerned with corporate image. The NC-17's negative stigma is widely thought to stem from its controversial history. By the end of the 1970s, the X had grown into the adult entertainment world's new favorite advertising icon, the "triple X", irreversibly cementing its connection to pornography. Soon, film theatres would begin to ban X-rated films from their screens and by July 1969 several major newspapers had begun rejecting advertisements for X-rated films, along with radio- and TV stations. As former CARA intern Stephen Farber described it in his 1972 book *The Movie Rating Game*: "By now the X has lost whatever chance it might have had to achieve responsibility. Several studios have made it a policy to produce no X films, and most studio contracts with directors stipulate that the director must win an R or less restrictive rating for the finished film" (Farber 1972, as cited in Sandler 2007, 51).

Despite the MPAA's endeavors to re-brand the 'X' as 'NC-17' and free it from its historical burden, the pornography stigma of the adults-only rating continues to weigh on the new rating. To this day, marketing an NC-17 film is very difficult and the general understanding of the rating is still colored by the failed attempt to clean up the X-rating (Zeitchik 2012, Los Angeles Times). Major studios continually avoid the rating, obliging filmmakers to cut as much content out of their movie as is needed to receive an R rating. Cramping NC-17 films into the R category is not a new development. In 1992, TIME Magazine quoted the chairman of Universal Studios as saying, "NC-17 movies do not fit into our main business plan - I doubt that NC-17 will be viable unless some mainstream movie is willing to go out with the label. Otherwise, the category has no real meaning because no one's using it." (Corliss 1992, TIME Magazine).

Just as the highest-grossing NC-17 film to date, *Showgirls* (1995, USA), contributed to the unfavorable reputation of the rating category, having one or two highly regarded films might be able to save it. "Theoretically there's no reason the most restrictive rating should carry a scarlet letter. But we have yet to have a big, serious commercial movie released as an NC-17." (Zeitchik 2012, Los Angeles Times). The problem seems to be that hardly anyone will accept the rating, let alone distribute an NC-17 film. Recent attempts to win large audiences with NC-17 films have been fairly unsuccessful. In 2011, some were hopeful that British director Steve McQueen's film *Shame* (2011, UK) would finally break the barriers set by the rating. *Shame*, which contains multiple sexual scenarios, and which was described by Los Angeles Times critic Kenneth Turan as a film "Recorded in explicit, but never pornographic detail, this is some of the most joyless

sex ever put on screen” (Turan 2011, Los Angeles Times). The film, which follows the life of a male sex addict, received an NC-17 for containing a large amount of sexual material and a sexually motivated storyline. *Shame* was thought to improve the NC-17’s image because of its high quality, respected director and profound as well as its non-glamorizing focus on sex addiction. Once again, the context and message of the film were not taken into consideration in the rating process and the film’s rating was not changed despite going through the appeal process. Thankfully though, the film was not altered either, since its distributor Fox Searchlight surprisingly did not force McQueen to cut his film to an R and in a historically rare occasion decided to release the movie with the highest rating label (Fernandez 2011, The Hollywood Reporter).

Confusing the NC-17 category with pornography and avoiding adults-only ratings in theatrical settings has indubitably taken its toll on the category. Though many theatre owners have voiced their willingness to screen “appropriate” NC-17 films, some states such as Tennessee have even gone as far as to make letting under 18-year-olds into a screening of an NC-17 –film illegal and punishable by law (Tennessee Attorney General 2013, 1-2). Luckily, in recent years there have been some exceptions to this rule. For example, in 2013, New York City’s IFC Center decided that despite NATO’s principles, the theatre would permit underage teenagers into screenings of director Abdellatif Kechiche’s lesbian love story *Blue Is The Warmest Color* (2013), which had earned an NC-17 rating due to its sex scenes and nudity. In a statement general statement, senior vice president and general manager of the IFC Center, John Valco, concluded that “This is not a movie for young children, but it is our judgment that it is not inappropriate for mature, inquiring teenagers who are looking ahead to the emotional challenges and opportunities that adulthood holds.” (Scott 2013, The New York Times). A similar decision to screen *Blue is the Warmest Color* was made by major theatre chain Cinemark, which announced it would screen the film as a one-theatre test run. Though the screening of the film in a theatre of the NC-17 category’s greatest opponents is noteworthy and welcomed, it fails to hide that the film was not shown at Cinemark’s other 495 theatres (Zeitchik 2013, Los Angeles Times).

As the rating board is autonomous and the system subjective, ratings can occasionally seem extremely arbitrary and irregular. One factor possibly contributing to this phenomenon is the so-called *Masterpiece Exception*, first described by Julie Hilden in 2007. Hilden suggests that operating behind certain confusing ratings is the MPAA and CARA’s tradition of viewing films of well-known directors, often also featuring well-known actors. For example, the aforementioned case of *Titanic* is used as a frequent

example used to describe this occurrence, because not only was it an enormous production by two major studios but it was also directed by one of the time's cinematic giants, James Cameron, it also featured the era's superstars Leonardo DiCaprio and Kate Winslett. Steven Spielberg's *Saving Private Ryan* (1998) is another example of this exception. Its R-rated violence, most notably the "D-Day landing scene", is believed to have normally lead to an NC-17 (Hilden, 2007). The Masterpiece exception is thought to be especially damaging towards independent production companies, as they can rarely afford to employ the industry's big players. The Masterpiece Exception will be referenced in the case of director David Fincher, as he repeatedly succeeds in including highly explicit materials in his films yet still manages to avoid the NC-17, and in the case of Martin Scorsese's *The Wolf of Wall Street* (2013, USA), which contains record-breaking amounts of profanity.

#### 3.4. Suggested Alternatives

The impossibly wide R-category and highly stigmatized NC-17 have encouraged many filmmakers, critics and industry experts to speak out against the rating. Although the need for an explicatory system regarding a film's content is thought by many to be of importance, the problematic nature of the current system's two highest ratings has prompted some to suggest alternatives to the system. Michael Phillips of the *Chicago Tribune* voiced his disappointment in the MPAA back in 2010, when he wrote of the Association: "It has become foolish and irrelevant, and its members do not have my interests at heart, or yours. They're too easy on violence yet bizarrely reactionary when it comes to nudity and language" (Phillips, 2010, Chicago Tribune).

One of the most vocal critics of the NC-17, Roger Ebert, often wrote about the need to retire said rating. Ebert claimed that because the X was not effectively distinguished from the NC-17 during its rebranding process, the same hard-core stigma stuck to the new rating making it highly problematic. Recognizing the need for an adult-only label that is not automatically associated with the adult entertainment industry, Ebert suggested adopting a separate 'A' (Adult) label as well as the revival of the X rating, as audiences were more confused by the NC-17 than by the X. The 'A' would be administered to films with adult content, deliberately separating it from pornographic material. Ebert argued, that an 'A' or 'AO' (Adults Only) rating might have distinguished adult movies with artistic and social merit from adult entertainment movies, perhaps saving many sophisticated films of the past from R-seeking cuts. The careful adoption of the A

would also mean that all portrayals of sex in a film would not be automatically given the same rating as highly disturbing or pornographic material, perhaps freeing it from the adult entertainment stigma. (Ebert, 1999.) An Adults Only label or other equivalents could also be used to distinguish films with simulated and unsimulated sex. Films like Larry Clark and Ed Lachman's *Ken Park* (2002, USA), Lars von Triers' *Nymphomaniac Vol. I and II* (2013, Denmark, Germany, Belgium, UK, France, Sweden) and Gaspar Noé's *Love* (2015, France, Belgium), all of which feature multiple unsimulated sex scenes, could be given an 'A' label instead of being forced to use the always confusing 'Unrated' label.

Some critics have suggested the altogether dismantlement of the rating system. With the constant availability of adult material online, the rating system seems antiquated to many. The current system, though otherwise seemingly arbitrary and highly subjective, nearly always assigns R-ratings to films containing more than one use of the 'f-word', regardless of context. One would not be wrong in thinking this to be an overreaction in a world where highly explicit language saturates everyday life from social media posts to video game dialogue.

Other suggestions include abandoning the current rating system as it is and to simply conserve the content descriptions of films, giving parents more responsibility to determine what their own child is mature enough to see. In 2004, Carmike Cinemas (then CKC Theatres) introduced so-called R-cards, which allowed parents to obtain passes to R-rated films for their children, bypassing the need for adult supervision in said films. Though the cards generated criticism from the MPAA and Valenti himself, many found the R-cards to be a fairer alternative to the old system. (Micheline 2004, *The New York Times*.) The idea behind this system could be adapted for a new, vast alternative for ratings, allowing parents to decide the suitability of every rating for their children. If explicit content was distinguished by, for example, four different categories: violence, language, horror, sex, it would mean that each parent could judge which content would be triggering for their children and therefore be unsuitable.

In the interim of an old and new system, many organizations, religious groups, and film critics have begun to write their own descriptions of explicit content in film with many even constructing their own ratings. Sites such as Nell Minow's *Moviemom.com* and Commonsensemedia.com contain intelligent and detailed descriptions of film content. Sites such as *IMDB.com* offer its members a possibility to formulate their own descrip-

tions of what explicit content each film contains. IMDB also displays alternative ratings for parents seeking the opinions of rating boards in other countries, exhibiting several international ratings in its “Parents Guide” -section.

## 4. Rape in Film

### 4.1. Sexual Violence in Film

“If I were to create a rating system, I wouldn’t even put murder right at the top of the chief offenses. I would put rape right at the top, and assault against women. Because it’s so insanely overused and insulting how much it’s overused in movies as a plot device. A woman in peril. That, to me, is offensive.”

-Kevin Smith, film director (*This Film is Not Yet Rated*, 2006)

According to Henry Bacon, rape is “in essence impossible to portray on screen without leaving the possibility of sadistic enjoyment in forbidden pleasure” (Bacon 2010, 161). Throughout the history of cinema, rape has been used as a cinematic storytelling tool, often to give motivation to a female character’s emotional journey or to motivate a male character’s quest for revenge. In *Watching Rape: Film and Television in a Postfeminist Culture*, Sarah Projansky argues that rape as a subject is so irrevocably part of American culture, that “representations of rape pervade popular media and, thus, our everyday lives” (Projansky 2001, 2). The depiction of rape is not negative by default, but it is the way in which the rape is used as a visual narrative and the context it is placed in that gives it its value. In addition to seemingly viewing strictly female sexual pleasure through a more critical lens than rape in film, the MPAA has also made many decisions to rate stylized and unrealistic depictions of rape in a more lenient manner than realistic, culturally valuable ones, “Culturally valuable” referring to depictions of rape that strive to accurately portray the effects of rape on a person’s mental and physical health as well as its political and communal effects.

Problems arise when sensationalized “torture porn” or so-called “rape-revenge” films get low ratings whereas realistic depictions of rape in all its traumatic effects do not. The question of context once again becomes important when contemplating the multiple ways of portraying rape in fiction. Portrayals of rape in film are extremely common, so in order to narrow down the discussed material, I will be examining two very differ-

ent high-coverage cases of rape in film, Zach Snyder's *Sucker Punch* (2011, USA) and David Schwimmer's *Trust* (2010, USA).

As Mari Nummela explains in her Bachelor's thesis written for Metropolia University of Applied Sciences "Rape on the Silver Screen – The Aesthetics of Sexual Violence in Cinema", the increase of sexually violent content can be traced back to the 1970s through the 'sexploitation' genre. Sexploitation, which includes such subgenres as 'rape-revenge', in which the abused character seeks violent revenge for her or his rape and 'sleaze', in which the emphasis is placed on shock value by including elements, such as bestiality and incest, had its heyday after the dying down of the 1960's hippy movement. (Nummela 2014, 5-7.) The rise of explicit material coincided with the increase of pornography in film form, perhaps affecting and influencing each other's cultures.

Rape-revenge films form an important element of this study, as they are often explicit in their portrayals of sexual violence against women. Strangely, CARA has repeatedly granted horrifically traumatizing rape-revenge films an R-rating, making the content more easily accessible to young viewers and ultimately sending filmmakers the message that rape is an MPAA-accepted component in film. Giving R-ratings to films with fictional depictions of rape is not in itself unacceptable, but it becomes problematic when context is not effectively considered, or when portrayals of sexual pleasure are time and time again given high ratings. This normalizes rape content in film and forms an invisible barrier for filmmakers wanting to exhibit pleasure in their films. One might reasonably argue that it is harmful for young audiences to get accustomed to thinking that rape on screen is more accepted by an authoritative organization than seeing a female character enjoy herself sexually.

Placing aside the fact that sexuality seems to be underrepresented in film, why exactly is there so much violence in film? In an article called *Managerial Objectives, the R-rating puzzle, and the Production of Violent Films* (published in Chicago Journals, 2004) S. Abraham Ravid and Suman Basuroy introduce Thomas Baldwin and Colby Lewis's four points commonly cited by industry professionals as reasons for violent content in film. First is the reasoning that violence is simply a part of life and that it would be "...a fantasy to pretend that violence did not exist". In other words, violence exists in life so it must exist on screen as well. The second reason given by several interviewed producers was, that violence works as an effective dramatic element in storytelling because most drama is based on violence. Some went as far to say that "Violence and drama are almost synonymous" and "Good drama is based on conflict which erupts in violent emotion" (Baldwin and Lewis 1972, as cited in Ravid & Basuroy 2004). The third rea-

soning for violent content is that depictions of explicit and controversial violence help raise awareness around the portrayed subject. This is said to be especially true of such subjects as child abuse and racism - arguably of rape as well. The fourth and last point provided to Baldwin and Lewis was, that violence does not actually harm viewers, even children, because "the audience should know the distinction between real and fictional violence." (Baldwin & Lewis 1972, as cited in Ravid & Basuroy 2004, 189.)

Applied to the context of sexual violence in film and juxtaposed with sexual pleasure, these four reported reasons seem somewhat defective, or at least, contradicted. Firstly, if violence on screen is acceptable for the reason that it is a "fact of life", the same should apply to sex, and in light of this thesis, to cunnilingus as well. Yet as we have discussed, naturalistic and realistic depictions of female-centered oral sex seem to be somewhat rare, not to mention highly rated in American cinema. Secondly, claiming that violence is the most important dramatic element available to filmmakers is unwarranted and biased, more reflective of the interviewed producers' cultural outlook than of the reality of narrative history. If the pursuit of sex is a driving force of many films concerning the pursuit of love, why isn't sex more visible in cinema? As far as classic storytelling goes, sex is a strong motivation driving human behavior, perhaps even more so than violence.

Thirdly, raising awareness around controversial subjects through violence may be an amiable aspiration, but in light of research conducted around said subject "raising awareness" does not seem to be an accurate description of the writing culture surrounding representations of violence. For example, The National Television Violence Study of 1998 found that from the 9,000 analyzed violent programs, only 4% of characters displayed remorse for the use of violence (Baldwin & Lewis 2004, 189). Lastly, the argument that violence has no effect on audiences, particularly underage viewers, is simply unwarranted and uninformed. The social effects of fictitious portrayals of rape have been fairly researched in psychology and media studies. As a reaction to the rise of rape-revenge films, the 1980s heralded major studies concerning the effects of negative sexual representation in the media. In one study, *Effects of Long-Term Exposure to Violent and Sexually Degrading Depictions of Women* (Linz & Penrod 1988, 758-768), it was discovered that films of violence against women had a desensitizing effect on their viewers. Another study, *The Effects of Viewing R-Rated Movie Scenes That Objectify Women On Perceptions of Date Rape* by Michael A. Milburn, found that portrayals of rape had a negative effect on undergraduate males when examined through the "social script" perspective (Milburn, 2000). Furthermore, a 1999 Comstock and Scharrer study found a causal link between various types of violent portrayals and



multiple types of antisocial behaviors among children and young adults (Comstock & Scharrer 1999, as cited in Leone 2004, 96).

Similar studies have been conducted concerning the issue of sexual violence in film. UCLA Media Researcher Neil Malamuth has extensively studied the effects sexual violence in popular media has on audiences, remarking in his book *Pornography and Sexual Aggression* that extensive portrayals of sexual pain can lead to desensitizing of said material, thus, resulting in increased acceptance of interpersonal violence. "Sexually violent material can contribute to a social climate in which violence against women is more accepted and thus may be more likely to occur. The consumer of this material may never commit a violent act, but sexually violent material may affect other aspects of some individuals' relationships with women," Malamuth said in an interview for the Center for Media Literacy in 1985 (CML, 1985). Furthermore, it has been proven that sexual violence in media has an even more negative influence on children than violence. Linz, Wilson and Donnerstein's 1992 study *Sexual Violence in the Mass Media*, asserted that the MPAA allows children easier access to violent content than sexual content. In another 1987 study, the same group found that violent content is more harmful to children than sexual content. (Linz, Wilson & Donnerstein 1992, as cited in Leone 2004, 69.)

Whom is the MPAA protecting with its value settings? The answer would not seem to be young female characters building their sexual self-image, or young male audiences building their moral landscape. If the MPAA's mission truly is to protect children from harmful material, it should take the aforementioned studies into wider consideration. The illogical nature of having "average" Californian parents deciding all distributed films' ratings instead of leaving this responsibility to child psychology experts and industry professionals has prompted many researchers to voice their demands for a change in the current system. Speaking out on CARA's disregard of violence, Dr. Theresa Miller from UCLA's Southern California Injury Prevention Research Center has said that, "The film industry is engaged in producing a product and for very fundamental reasons violence sells, especially for the target demographic. But it isn't coincidental that that target demographic is also the most at risk in American society. So we think it is not too much to ask of a group of people who have embraced the responsibility of informing parents of what's going on in films, to inform themselves about what's going on in the research regarding this connection." (*This Film is Not Yet Rated*, 2006)

#### 4.2. Rape - Restricted

Before moving onto the introduction of some NC-17 cunnilingus scenes, I will discuss some examples of rape, all of which have been granted the R-rating by the MPAA. By

dissecting the rape scenes of each of these movies I wish to demonstrate that the rating board does indeed have a bias toward female sexual pleasure. These examined films featuring rape, *The Girl with the Dragon Tattoo* (2005), *I Spit on Your Grave* (2010, USA), *Last House on the Left* (2009, USA) are extremely explicit and upsetting, more so than any cunnilingus scene, which I will later discuss. Additionally, I will introduce Michael Winterbottom's film *The Killer Inside Me* (2010, USA), which does not seemingly contain as obvious portrayals of rape as the other aforementioned films but does include extreme violence against women in a sexual setting.

The 2010 remake of the 1978 rape-revenge film *I Spit on Your Grave* tells the story of an aspiring young female writer who is brutalized during her cabin retreat. During the graphic molestation scene, Jennifer's clothes are forcefully ripped off and she is vaginally raped by one man as a group of men him on and in another scene, Jennifer is anally raped by another man, all while being filmed by several men. In other graphic shots, Jennifer is also forced to perform fellatio on a handgun, reminiscent of *Killer Joe* (2011, USA) where a woman is beaten and forced to perform fellatio on a piece of chicken. Seeking revenge on her attackers Jennifer sodomizes and kills her rapists, cutting one man's penis off with with a pair of shears and anally raping another man with a shotgun. *I Spit on Your Grave* was followed by two sequels, all fitting the same rape-revenge format.

The 2009 remake of Wes Craven's *Last House on the Left* follows a mother and a father seeking revenge for the rape and murder of their daughter. While on a weekend retreat at the family's lake house, teenager Mari and her friend Paige are raped and killed by a group of strangers in a scene that is both horrifying and graphic, as well as extremely lengthy and detailed. The film's rape scene sparked heated feelings among the film critic community, some describing the film's violence as gruesome, unnecessary and self-indulgent. The *Orlando Sentinel's* critic Roger Moore called the film "torture porn at its finest" and described the film's rape scene a sight of "shocking sadism and cruelty" (Moore 2009, Orlando Sentinel). Patrick Goldstein and James Rainey wrote a climactic piece about the film, also for the Los Angeles Times, contemplating the following: "So far, few critics -- have raised the most glaring issue of all: How is it possible that the MPAA ratings board could give a film with this much brutal, graphic violence an R rating instead of an NC-17? I mean, what would it take for the clueless MPAA, which is supposed to serve concerned parents, not powerful studios, to ever draw the line and say to a filmmaker: "You've gone too far. We won't allow this much violence to be seen on screen." The ratings board is always hyper-vigilant about frontal nudity and consensual sex, but when it comes to blood-drenched violence and depravi-

ty, it has caved in, over and over, allowing filmmakers to get away with murder.” (Goldstein & Rainey 2009, Los Angeles Times).

Whether you see *Last House on The Left*'s controversial rape scene as an instrumental and crucial element benefitting the storyline or as horrifically invasive torture-porn, the fact remains that the film's content was rated R by the MPAA despite being extremely explicit. Rating decisions of this nature may send out the message that seeing a female character in a sexual content is acceptable in violent and non-consensual context whereas it is still dangerous to portray females in a sex-positive setting.

Borrowing from the rape-revenge tradition, Stieg Larsson's novel *The Girl with the Dragon Tattoo* (2005), features a young female character that mutilates her abuser after being repeatedly raped by him. So far, there have been two film adaptations made based on the novel; Niels Arden Oprevs's 2009 version and the better-known American adaptation of 2011 – both rated R. The novel's young female lead Lisbeth Salander, described by Slate's Katie Roiphe as “consummate victim and infinitely powerful, both battered woman and superhero” (Roiphe 2011, Slate.com), endures upsetting and graphic sexual abuse in both film adaptations. Both films contain portrayals of the novel's elemental rape scenes. In one scene, Lisbeth is forced into fellatio, her abuser holding her hair back as he thrusts himself into her mouth. In another scene, she is tied to a bed, stripped and anally raped by the same abuser in extremely graphic and considerably long scenes.

*The Killer Inside Me*, which follows the affairs and murders of psychopath Texas deputy Lou Ford, contains some of the most graphic portrayals of sexual violence in the last few decades. Ford, a psychopath in whose mind sex and violence are irrevocably intertwined, brutalizes his prostitute lover during sex acts, mutilating her body. In the film's defining scene, Ford beats his partially nude lover to death, punching her in the nose, throwing her against a wall and beating her face into a pulp until her features are unrecognizable. Eventually, she falls unconscious and dies, urinating on herself. The film's violence is so graphic, detailed and invasive that some festival and critic screenings of the film saw numerous people leave the theatre mid-film. Though the most debated content of the film is its violent murder scene, the film also contains portrayals of rape, for example in a scene depicting a teenaged Lou getting caught raping a five-year-old in the back of a parked car.

#### 4.3. *Sucker Punch* and *Trust*

Though it is important to examine and analyze distinctly explicit, disturbing and graphic representations of rape and the ratings they received, the MPAA's context-blindness becomes more visible when watching films with rape that have received the PG-13, as the rating is meant for younger viewers and should, therefore, make said films considerably more cogitated and closely examined by the raters. It also illuminates precisely how lenient the MPAA is towards action and sci-fi aestheticized depictions of sexual violence and its portrayals of anguish, humiliation, and pain compared to naturalistic and unglamorous depictions of pleasurable consensual sex. The early 2010s saw an array of rape-centered films, some treating sexual violence with a humanistic, compassionate, sensitive and nuanced manner, and some simply using it as a titillating plot device. Two vastly different examples of rape's presentation in film. *Sucker Punch* and *Trust* are interesting examples that are strongly indicative of the MPAA's position on the subject, as both films were intendedly produced for the PG-13 rating and only one got it. The highly big-budget action film *Sucker Punch*, which features highly eroticized, scantily dressed female teenagers and a dozen attempted or implied rape scenes received the PG-13 despite some news outlets calling it highly inappropriate for young viewers (Tookey 2011, Daily Mail). *Trust*, in turn, received an R despite going through the appeal process.

There are many ways to view the *Sucker Punch's* message, but the film's constant presence of sexual violence paired with the film's exploitative gaze is undeniable. It would not be wrong to ponder whether it is somehow more MPAA-acceptable to portray rape in a glamorized and eroticizing way than consensual sex and if it is easier to produce PG-13 films with sexually abused female characters than sexually autonomous ones. In an interview for *Nylon*, lead actress Emily Browning told the magazine that the filmmakers were pressured to cut material in order to get a PG-13, but that CARA did not have problems with themes of rape. It was a consensual sex scene that allegedly caused problems for the filmmakers. The scene in question was the film's main character's, Baby Doll's, only consensual sex scene. (Mendelson 2011, Huffington Post.)

I had a very tame and mild love scene with Jon Hamm. It was like heavy breathing and making out. It was hardly a sex scene... I think that it's great for this young girl to actually take control of her own sexuality. Well, the MPAA doesn't like that. They don't think a girl should ever be in control of her own sexuality because they're from the Stone Age. I don't know what the fuck is going on and I will openly criticize it, happily. So essentially, they got [director Zachary Snyder] to edit the scene and make it look less like she's into it. And Zack said he edited it down to the point where it looked like he was taking advantage of her. That's the only way he could get a PG-13 and he said, 'I don't want to send that message.' So they cut the scene!"

-Emily Browning, Nylon Magazine, 2011

David Schwimmer's drama *Trust*, tells the story of a teenage girl who becomes a victim of sexual abuse after meeting an identity-deceiving man online. Schwimmer, who worked closely with the Santa-Monica UCLA Rape Treatment Center for over a decade in preparation for the film, intended *Trust* to be a truthful portrayal of the effect sexual abuse and rape can have on a young person's social life and mental health. "There is no nudity, no overt sexuality other than what needed to be implied for a scene in a hotel room where we learn the rape took place", Schwimmer told Deadline after losing the appeals process for the film (Fleming Jr., Mike 2011, Deadline.com). The scene in question is a careful portrayal of the traumatic moment, treating the victim with respect and dignity, making its MPAA R-rating problematic. Sexual abuse and Internet predators are a reality to many young people and seeing a film about the subject could be crucially important to some abused teenagers, while working as a cautionary tale for others. Unfortunately, the rating the film received from the MPAA prohibited people under the age of 18 from seeing it in cinemas without adult accompaniment.

The MPAA's disregard for context makes it more difficult for films like *Trust* to reach their intended audiences, which makes it less likely for films to succeed financially, and consequently, making the production of similarly themed films riskier for studios. It is offensive and saddening that some films can receive notably low ratings despite showing rape in a graphic and disturbing matter, yet films like *Trust* are administered unfairly high ratings. The notion that *I Spit on Your Grave* and *Trust* belong in the same rating category is a haunting reminder of America's rating system's irregularities and shortcomings.

## 5. Cunnilingus in Film

### 5.1. Female Sexual Pleasure in Film

Is sexual pleasure the defining factor of these NC-17's? Representation of female pleasure in film has long been a complicated subject, one with a colored and complex history. A powerful way to portray a female character's feelings of sexual pleasure is to have her be the recipient of oral sex. As mentioned earlier, oral sex is an impactful and effective cinematic tool that is often utilized to picture pleasure felt by one character at a time.

Another way to effectively portray sexual pleasure is through masturbation scenes. Female masturbation has not had an easy relationship with the Association, either, especially when depicted in a strictly homosexual context. In a famous example, the com-

ing-of-age film about teenage lesbians *But I'm A Teenager* (1999, USA) was originally given an NC-17 for containing an arguably tame masturbation scene. The scene contained no nudity, the character in question touching herself through the fabric of her nightgown when the same year's *American Beauty* (1999, USA) saw its main character Lester Burnham masturbating in bed next to his wife whilst thinking about his teenage daughter's female friend. The following year saw the release of *American Psycho* (2000, USA), wherein lead character, Patrick Bateman, is seen masturbating in the shower, fully nude and shot from behind. Another case of female masturbation earning a film an unnecessarily high rating comes in the shape of Kevin Smith's *Jersey Girl* (2004), which received an R despite its lack of considerably explicit content. Quite dishearteningly, the film received a high rating for a scene in which the film's main characters simply *discuss* their frequency of masturbating. According to Smith, CARA's chairman Joan Graves had said that 'it would personally make her uncomfortable if her teenage daughter were to see the film's lead actress talk about masturbation' in an R-rated film (*This Film is Not Yet Rated*, 2007). In contrast, the same year *But I'm a Teenager* was released, R-rated sex comedy *American Pie* (1999) featured its lead main character graphically masturbating into a pie. In contrast, R-rated horror film *Hostel: Part II* (2007, USA, Czech Republic Italy, Iceland, Slovakia) saw one nude woman being hung upside down from the ceiling as another woman slices her flesh and masturbates in her blood. The scene is shot in an extremely eroticized manner, also containing nudity. Perhaps in the case of *Hostel II*, a film's sexual content was once again 'forgiven' for the simple reason that its depictions of sexuality are unrealistic and stylized.

## 5.2. Cunnilingus – Adults Only

In her book *American Taboo: The Forbidden Words, Unspoken Rules and Hidden Morality of Popular Culture* (2013) Lauren Rosewarne dedicates an entire chapter to oral sex in media, paying special attention to cunnilingus in film. In a chapter called *Cunnilingus and the Politics of the Lick*, Rosewarne explains how cunnilingus is often charged with a strong narrative motivation, perhaps making it unappealing for some filmmakers, as the act might surprise the audience too much or the act might assign unwanted attributes to the film's characters (Rosewarne 2013, 34).

Rosewarne quotes sociologist Edward Laumann describing cunnilingus as "fraught with symbolic ambiguity" and sociologists John Gagnon and William Simon making a similarly interesting observation with the following: "We must keep in mind that the multiple *meanings* of oral sex which are less well measured or often may only be inferred on the basis of inadequate evidence. At different times in the same relationship or in

differing relationships, the same physical movements may be performed as avoidance of coitus, an expression of intimacy, a sign of erotic competence, a measured degradation of the self or the partner.” As Gagnon and Simon point out, oral sex is stigmatized, often operating through complex social motivation or inhabiting some sort of element to it that is meant to act as a degrading or dignifying act. Although Gagnon and Simon were discussing cunnilingus in modern society, it can be applied to motion pictures as well. In cinema, all action is used to benefit the narrative, coloring any given act with a kind of political motivation. As sexuality itself is a sensitive subject in western society, sex in film is perpetually inhabited by a political and social charge. Rosewarne suggests that some filmmakers actually opt to exclude cunnilingus from their films because its presence might invite too much politics into a scene, “a man may be accidentally construed as a nice guy or a sensitive lover; niceness and sensitivity may not be attributes that a filmmaker associated with a particular character.” (Rosewarne 2013, 33.) Examples of highly purposeful use of cunnilingus as a narrative tool include establishing or foreshadowing a power imbalance or -struggle between a male and female character (*Gone Girl* 2014, USA), portraying the male character’s sexual competence (*Coming Home* 1978, USA), visualizing a male character’s sensitivity (*The Counselor* 2013, USA).

On another note, cunnilingus scenes might also be considered too intimate for some genres or characters, making it a somewhat risky element for some writers. On the subject of intimacy Rosewarne notes, “on screen, cunnilingus invariably connotes intimacy – after all, it is not the kind of sex act that strangers would generally engage in – and thus may be avoided except in those circumstances where filmmakers actually *want* to convey intimacy” (Rosewarne 2013, 34). Cunnilingus as an act requires the proximity of a mouth and a vagina, making it a physically intimate experience. Compared to fellatio, though, cunnilingus is rarely portrayed with thrusting movements or graphic ‘head-bopping’, so why is it considered more explicit? It is a common joke within the American film industry that the MPAA has a “thrust count”, meaning that obvious back-and-forth movement is highly discriminated by CARA raters, as discussed in *This Film is Not Yet Rated* and referenced in the Hollywood Reporter piece “So How Many Thrusts Get You an NC-17?” (McClintock 2015, The Hollywood Reporter). Though thrusting is an elemental part of many fellatio scenes, cunnilingus can be filmed in a very discreet style with barely any obvious movement. Perhaps the male body’s placement in sex scenes involving cunnilingus is something the MPAA regards problematic, though it is debatable whether this is more ‘obscene’ than a female character portrayed ‘giving head’ to a man on her knees and often fully exposed.

Although nudity is often an element of cunnilingus films, making it easier for the MPAA to claim its unsuitability for a lower rating category, nudity itself does not seem to be the main problem. For example, the cunnilingus scenes in films like *Blue Valentine* and *Two Girls and a Guy* (1997, USA) contained very little bare skin and still earned an initial NC-17 rating. In *Two Girls and a Guy*, Robert Downey Jr.'s character Blake performs oral sex on Heather Graham's character Carla in a dimly lit room. In this static wide shot, Carla first puts her hand in Blake's pants and strokes him, after which he drops to his knees and performs oral sex on her. The scene, though intense, is arguably not explicit enough to have warranted the highest possible rating. The already brief sex scene was heavily edited in order to receive an R. (Dretzka 1998, Chicago Tribune.)

Though it has been considerably more common to see fellatio in film, cunnilingus seems to be in the process of becoming a more visible element in American cinema. Though it would be logical to think that female-centered oral sex is only now becoming more acceptable, cunnilingus was fairly often used to depict female pleasure in films of the 1970s. Though sexual violence became more prevalent in American cinema in the 1970s, the time was, however, also quite liberal toward sexual pleasure in cinema. Films such as *Play Misty for Me* (1971, USA), *Don't Look Now* (1973, UK, Italy) and *Coming Home* (1978, USA) all featured notable cunnilingus scenes without receiving the damning X-rating. Another notable time for cunnilingus in cinema would come in the early 2000s, 2003 being a considerable year for female-oriented oral sex scenes with films such as Wayne Kramer's *The Cooler* and Jane Campion's *In The Cut* (2003, Australia, UK, USA). The latter of the films stands out from the majority of cunnilingus scenes in its depiction, as its male character gives the female character oral pleasure from behind, instead of the traditional shot of a man's head between a woman's thighs. This scene was reportedly too graphic for the MPAA in its original form, and the filmmakers were forced to send the Association thirteen different cuts of the film before it attained its eventual R. The independent drama *The Cooler* also initially received an NC-17, but only for containing a *suggested* cunnilingus scene, and a glimpse of main actress Maria Bello's pubic hair. Bello and Kramer took to the media after receiving the rating, publicly challenging the MPAA and questioning the Association's motives behind the decision. Speaking to the LA Times, Kramer described the strange morality of the MPAA: "It's OK to show semen in a Farrelly Brothers comedy, but when a movie tries to depict sexuality in a non-glamorous way, you're in trouble" (Goldstein 2003, Los Angeles Times).

"Just a couple of months before (receiving the rating) I had gone to see a horror film that was rated R (*Scary Movie*, 2003). It was a "funny" horror film and within



the first ten minutes a woman gets her fake breast cut out, there's blood everywhere. That's what made me so furious."  
 -Maria Bello (This Film is Not yet Rated, 2006)

Non-glamorous sex scenes were once again targeted by the MPAA in 2010 when *Blue Valentine* was given its infamous NC-17. The aspect of *Blue Valentine* that makes it stand out from the majority of other films containing cunnilingus scenes is not only that the sex is non-stylized and gaze-neutral, but it is also the fact that its female character actually reaches orgasm toward the end of the act. Climax in cunnilingus scenes is surprisingly rare as the act is often portrayed very briefly, either being interrupted by something in the scene, as in *Greenberg* (2010, USA), acting as an anticipation of reciprocation as in *The Sitter* (2011, USA), or functioning mainly as foreplay as in *Margaret* (2011, USA) and *The Getaway* (1994, USA, Japan) (Rosewarne 2013, 21). Returning to *The Cooler*, Kramer said he thought the film's NC-17 was caused by the intense portrayal of the female character's sexual pleasure. This is not an unusual experience. The camera focusing on a female character's face during climax has resulted in the high rating according to other numerous filmmakers, especially independent female filmmakers.

Kimberly Peirce, director of independent drama about a young transsexual man *Boys Don't Cry* (1999, USA) has said that she thinks the film's initial NC-17 was caused by a cunnilingus scene, particularly the static frame in which the film's central female character Lana is seen reaching orgasm. Peirce said that when she was initially told about the NC-17, her lawyer told her that the CARA raters considered Lana's orgasm to be too long. "Who's ever been hurt by an orgasm that's too long?", Peirce commented, "When I looked 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". Continuing her statement, Peirce notes: "In a construct where most movies are written by men and directed by men, they're mostly the male experience. I think that even in sex scenes, it's from a male perspective so I don't think that the focus is female pleasure. I think female pleasure is unnatural (and) I think that female pleasure is scary in the narrative setting. So I think that if you're a woman who understands female pleasure and understands it from the woman's perspective, you're probably going into terrain that's unfamiliar. I think generally this unfamiliarity is what breeds these NC-17's." (This Film is Not Yet Rated, 2006.)

The MPAA was again publicly and openly criticized for censoring female sexuality when director Jill Soloway accused the Association of unfairly slapping her 2013 film *Afternoon Delight* (2013, USA) with an NC-17, leading the film's production company to

pressure her into cutting out numerous scenes depicting female sexual pleasure. As a reaction to the rating, Soloway spoke to Indiewire for a story called *Feminist Filmmaking Means NC-17 Rating from MPAA*, saying:

“I think it’s about the sexual agency of female characters – It matters that they what they cut is the one scene where [the female lead] is getting oral sex. Particularly when you think about how much misogyny makes it through in other movies, *how much violence, too*. Is it weird that I even want affirmative action or preparations that reward women for taking risks of expressing authentic sexuality? I’m so mad that I was raised on the highly commercial, misogynistic characterizations of sexual women as disposable sluts or props for a man’s storyline, yet if I try to disrupt that portrayal, I have to minimize the parts that are uncomfortable. Uncomfortable for whom?”  
-Jill Soloway (Inkoo 2013, Indiewire)

Soloway’s comments seem all the more warranted when considering *Afternoon Delight* was released the same year as *The Wolf of Wall Street*, which among other explicit material, contained a record amount of profanities, heavy drug use, female full-frontal nudity, as well as misogynistic language. In one of *The Wolf of Wall Street*’s numerous explicit sex scenes, a woman is performing oral sex on one man when being penetrated from behind by another. While *Afternoon Delight* contains a sexually charged narrative and numerous sex scenes, it is hard to imagine these two films to have been equally and objectively viewed by the rating board.

Opposed to scenes portraying female orgasms, a lingering camera on the female character’s face does not seem to be a damning element in rape scenes. In fact, it is a common cinematic tool to keep the focus of the camera on the female character’s face instead of the rapist’s body. The aforementioned rape-revenge film *Last House on the Left* is an excellent example of this visual tactic, as the considerably long rape scene focuses primarily on its female character from shoulders up while she’s being forcefully penetrated from behind. The camera breaks away from the girl rarely, mainly to show her recently stabbed friend writhe in pain next to her.

Another defining factor between R and NC-17 cunnilingus scenes seems to be how stylized, eroticized or fantastical the scene in question is, with lighting, camera placement and a narrative that fit Hollywood’s ‘commercial aesthetic’. R-rated films with this type of unrealistic and male-fantasy abiding sex scenes with cunnilingus include *The American* (2010, UK), which features a brief, highly stylized cunnilingus scene with bordello-like red lighting and *Black Swan* (2010, USA), which features a hallucinated cunnilingus scene between the two female characters, highly eroticized and not at all what Kramer called ‘non-glamorous’. The *Black Swan* case became widely discussed after *Blue Valentine* received an NC-17 as the two films, both released in 2010, con-

tained similarly long cunnilingus scenes. The problem with the assigned ratings was that *Black Swan*'s sex scene is debatably more graphic than that of *Blue Valentine*, the latter's scene being more realistic. *Blue Valentine*'s male lead Ryan Gosling released a statement after the rating announcement, saying: "There's plenty of oral sex scenes in a lot of movies, where it's a man receiving it from a woman – they're R-rated?" (Vena 2010, MTV News). In reply to the conversation, *Black Swan*'s director Darren Aronofsky replied to the media saying he did not understand why the ratings would differ, either, "I've heard the 'Blue Valentine' scene is more emotionally authentic" (Zeitchik 2010, Los Angeles Times).

### 5.3. Fellatio and Ratings

As will be discussed next in this thesis, not only is cunnilingus a rare sight in cinema, its male-oriented equivalent, fellatio, but is also much more commonly seen on screen. This disparity and the MPAA's attitude toward these two acts have been eloquently described by film critic Mary Ann Johansson; "The MPAA has subjectively decided that the depiction of male pleasure is more important than that of women – 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" (Pollard 2009, 200). It would thus seem that the driving force behind sex-oriented NC-17 ratings isn't the act of oral sex, itself. Although there have not been any recent studies examining this issue in particular, the inequality of said representation is noticeable in cinema's history. Perhaps this has to do with pornography's obsession with fellatio. As cultural historian Joseph Slade noted in his book *Pornography and Sexual Representation: A Reference Guide*, "performed properly, cunnilingus remains invisible to the film audience, whereas fellatio results in the arcing ejaculation" (Slade 2001, 654).

The frequent and varying use of fellatio seems to make it a more 'normalized' element in film, partly explaining how it is possible to see allusions to it even in PG-rated family-friendly films although PG films are not in principle supposed to contain sexual content. For example, in *Ghostbusters* (1984, USA), Dan Aykroyd's character Dr. Raymond Stantz is visited by a ghost in his bedroom. The ghost unbuckles Stantz's belt, after which it is insinuated that the ghost performs fellatio on him. The amount of fellatio in PG-13 and R-rated movies is vast, and it seems to very rarely results in an NC-17 unless paired with other graphic material in the film or is unsimulated. Films such as *Don Jon* (2013, USA), *Dom Hemingway* (2013, UK), *The Wolf of Wall Street* (2015, USA) and *Filth* (2013, UK, Germany, Sweden, Belgium) all have obvious and unmistakable

fellatio scenes, which are arguably as graphic or more graphic than the *Blue Valentine* scene.

Not only is fellatio a prominent element of sex scenes in film, male and female nudity is treated differently as well. After the release of the highly controversial explicit comedy, *Borat* (2006, UK), the MPAA adopted a new description 'Male Nudity' into their rating vocabulary. As is well known, female characters are nude or scantily dressed much more often than their male counterparts, yet 'female nudity' is not a separate distinctive in rating descriptions. In a study by USC Annenberg, it was found that while less than one-third of all speaking characters in the top-grossing films were female, 31.6% were depicted wearing sexually revealing clothing (USC Annenberg, 2013) and in another report by the Geena Davis Institute on Gender in Media, it was stated that between 2010-2013, 21.1% of female characters in American films had some nudity in their roles (Geena Davis Institute of Gender in Media 2014, 10).

#### 5.4. *Blue Valentine* and *Charlie Countryman*

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

-Ryan Gosling, *The Hollywood Reporter*, 2010

"Mainstream films often depict sex and violence in a manner that is disturbing and very far from reality. Yet, the MPAA regularly awards these films with a more audience-friendly rating, enabling our culture's desensitization to violence, rape, torture, and brutality. Our film does not depict any of these attributes."

-Michelle Williams, *The Hollywood Reporter*, 2010

The controversy surrounding the rating of *Blue Valentine* gained much attention from various media outlets, especially after the film's leading actors, Ryan Gosling and Michelle Williams, released public statements condemning the rating decision as "misogynistic in nature." (Powers 2010, *The Hollywood Reporter*.) This, in turn, encouraged many high-profile filmmakers to speak out on similar experiences with the MPAA, garnering the subject matter even further attention. After receiving the initial NC-17, Weinstein submitted the film to the appeals process in hopes of getting the rating decreased. To help make the case more visible, Weinstein hired celebrity status lawyers, started a twitter petition for the film and spoke about the unjust rating to *Rolling Stone*

Magazine and The Los Angeles Times (Singer 2010, IFC). In an unusual occurrence, the rating was overturned by the appeals board and the film got an R instead. Getting lower ratings without editing a film is rare, though, and it is questionable whether the filmmakers would have won the case had it not been for its extremely powerful producer and the public measures taken by a famous cast. However, the rating's controversy earned the subject notable attention, shedding a light on the MPAA's problematic and conservative methodology in rating female sexuality and cunnilingus.

"I've seen rape scenes that go way overboard, that are violent. It seems that with violence you can get away with anything."  
-Derek Cianfrance (Scott 2011, The Guardian)

Another similar high-coverage case came a few years later in 2013 when it was reported that Fredrik Bond's newest film *Charlie Countryman* (2013) had received the dreaded NC-17. The initial rating was allegedly caused by a scene depicting actress Evan Rachel Wood's character receiving cunnilingus from male lead actor Shia LaBeouf's character during a sex scene. As the film's studio had contractually obligated the filmmakers to provide the studio with an R-rated film, the scene in question was cut out of the film in its entirety. In a text posted on her personal twitter account, Wood heavily criticized the MPAA, causing media frenzy around the film.

"After seeing the new cut of Charlie Countryman I would like to share my disappointment with the MPAA, who thought it was necessary to censor a woman's sexuality once again. The scene where the two main characters make "love" was altered because someone felt that seeing a man give a woman oral sex made people "uncomfortable" but the scenes in which people are murdered by having their heads blown off remained intact and unaltered. This is a symptom of a society that wants to shame women and put them down for enjoying sex, especially when (gasp) the man isn't getting off as well! It's hard for me to believe that had the roles been reversed it still would have been cut OR had the female character been raped it would have been cut."  
-Evan Rachel Wood, Personal Twitter Account, 2013

Unlike Cianfrance, Bond did not successfully demand the scene to go unaltered, ultimately doing what so many have done before him – editing material in order to receive a favorable MPAA rating. The cut-out scene was never released to the public, making it difficult to say whether it was notably racy or not. The remaining sex scene, however, is very non-explicit and typical, with the couple kissing each other on a bed in missionary position. The scene is in fact so unobtrusive that the depicted act is more of an *implied* sex scene than a pronounced one. Either way, Wood's comments made this case another well-documented PR misstep by the Association.

## 6. Key Findings and Conclusions of the Study

### 6.1. History Matters

As discussed in the first chapters of this thesis, some of the traditions of the Motion Picture Production Code still live within the MPAA's modern rating system, merely having adopted new forms. The descriptions and rules of the Production Code's "*Be Carefuls*" and "*The Don'ts*" demonstrate that the American sex-restricting culture, wherein violence and sex are not treated as equally explicit elements, is the direct legacy of the Hays Code era.

In a similar fashion to the Hays Code era, wherein filmmakers were structurally disallowed to include certain sexual elements in their films, many filmmakers today seem to feel a need to stay aware of the Association's rating patterns all through their production process. In lieu of the Association's official documents and rating criteria still being concealed from the public, filmmakers looking to attain any particular rating are, to some degree, forced to either hypothesize vague guidelines by themselves or hire MPAA-experts to help them edit out possibly problematic material. This, in turn, leads to a pre-censoring culture within the filmmaking industry, which would seem to be especially burdening toward independent filmmakers.

Filmmakers who do not have the resources to re-cut and re-appeal their films in order to get distribution-friendly ratings either have to pre-emptively edit explicit material out of their film before submitting it for a rating or choose to release the film with an 'Unrated' label – widely excluding the possibility of theatre distribution in America. As discussed in the case of the Masterpiece Exception, the Association's preferential treatment of the major studios is not surprising as most of its funding comes from the Big Six. It is, however, damaging to independent production companies and filmmakers, that might feel the need to avoid certain explicit themes in fear of getting an unreasonably high rating from the rating board.

The pornographic connotations of the NC-17's predecessor have made the rating unattractive and, in essence, useless. Importantly for this thesis, the sex-centered use of the NC-17 is questionable, especially considering that the rating seems to be often administered to films with portrayals of female sexual pleasure. The tradition of viewing female pleasure as being harmful to children is in itself problematic but paired with the NC-17's history and negative image, forms a connection that female sexual pleasure – and in light of the films examined in this thesis, cunnilingus especially – is something

pornographic or damaging. When reminding oneself that rape is such a visible as well as a comparatively low-rated element in film, the notion that cunnilingus repeatedly receives the highest of ratings seems even less logical.

Though the need for reform within the rating system is apparent, the adult entertainment stigma will be hard to overcome regardless of whatever name an alternative rating will be given. Firstly, a new system would have to be heavily marketed and made much more easily understandable than the current one. Secondly, and perhaps more importantly, an adults-only label should not be administered so heavily to sexual content in particular. This means that either violence and other explicit material should be taken into wider consideration, or that the context of said sexual content should be emphasized more than it is now. In addition, as noted by Fithian, the label would also need a serious and commercially successful film to represent the category (Zeitchik 2012, Los Angeles Times).

Upon the decision to reform the NC-17 or add a new rating to the system, the MPAA and CARA should strive to encourage filmmakers and theatre owners to accept the rating and emphasize that sexual content would not automatically be discriminated. A new definition of the adults-only label would especially have to be aimed at the major studios - hopefully inspiring big studios and respected filmmakers to stop pre-censoring their own projects. Ultimately, it might also prove to be desirable to completely separate the rating system from the major studios. An objective treatment of independent and major-studio productions is not realistic as long as the majority of the Association's funding is provided by the Big Six.

## 6.2. The Question of Context

In light of the material examined in this study, it would indeed seem that sex and violence are not assigned ratings in an equally objective manner. The MPAA's mission to protect children from harmful material is also a failed one. The extensive research conducted around the negative effects of portrayals of sexual violence indicates that while said content is not discriminated as effectively as positive sexual situations, it is in fact very harmful to an individual's development. The Ratings Creep, which is only evident in the increase of violent content, seems also to be telling of a sex-averse culture within the Association.

Exemplified by the *Trust* and *Sucker Punch* cases, context is not adequately taken into consideration in the rating process. Eroticized and traumatic representations of rape consistently receive an R-rating, while naturalistic and non-glamorized cunnilingus is rated NC-17. The sheer amount of 'Restricted' rape-revenge films is problematic when paired with the fact that so many portrayals of female sexual pleasure are being cut out of films to receive said rating. *Sucker Punch* actress Emily Browning's comments on the MPAA's sex scene editing suggestions are highly disturbing, as they reportedly would have made the scene in question seem less consensual – more like rape. The *Sucker Punch* case is highly indicative of an unhealthy rating system that affirms and perpetuates itself.

The rating board's shunning of sexual pleasure does not seem to effect the portrayals of male desire as strictly as it effects the portrayals of female desire. The vast amount of R-rated fellatio and male masturbation hints of a misogynistic bias among the rating staff, as is the fact that male gaze-centered depictions of female-centered oral sex are traditionally less likely to get an NC-17 than gaze-neutral or female gaze-centered cunnilingus scenes. The inexplicable 'Male Nudity' description tag only strengthens this argument.

Examples of more context-focused rating systems can be easily found, for example, in Europe. Contrary to the American rating system, nudity and sexual content itself does not result in a higher rating in several European countries. A good example of a more lenient attitude toward sex can be seen in the Finnish rating system, which is administered by the National Audiovisual Institute of Finland (KAVI). KAVI, subject to the Ministry of Education and funded by the Finnish government, utilizes its own rating criteria, which includes 37 separate items that are applied to films by industry professionals and is revisited and updated frequently. The criteria and rating descriptions are available to the public at all times on KAVI's Web site, making the institute's methodology highly transparent compared to that of CARA's, which continues to conceal its documents from the public.

KAVI does not automatically punish nudity with a high rating. Emphasis is placed on context, making the system less subject to immutable and inflexible rulings against, for example, sexual content (KAVI 2016). KAVI has also re-rated several films, rectifying some of their older – perhaps biased – decisions. In 2016, the institute changed its rating of director Johanna Vuoksenmaa's film *Upswing* (*Nousukausi*, 2003) based on its new, more sex-positive rating criteria that were adopted in 2012. The film was originally



rated K16 (a close equivalent of the American R) for a female-centered sex scene. The film received a new rating in 2016, the K12 (for children 12 and older). Reported by the Finnish film magazine *Episodi* in an article called *Nainen saa sittenkin olla aktiivinen seksikohtauksessa (Women Get to be Active in Sex Scenes After All)*, the film's new rating was meant as a de-blundering of the biased and unwarranted rating for a scene in which the film's female lead is sexually active (Huhtala 2016, *Episodi*).

The MPAA's oversensitivity in regards to sex is a concerning phenomenon, one that further contributes to the sex-negative social culture in America. By placing these vague and restricting borders around sexual representation in film, the Association does not disclose enough information about its rating principles, consequentially creating a culture in which filmmakers must prematurely consider leaving out certain elements in their film to avoid cutting it out later (Sandler 2007, 130) Ultimately, it might be desirable to make sexual content in film more easily available to audiences, as sexuality placed within narrative and complex emotional settings, instead of exclusively pornographic context, could prove to be a very positive element in our cinematic culture. There is no denying that sex surrounds western society and that pornography continues to shape our self-image and perceptions. Having more complex and thought-out representations of female sexuality might prove to be beneficial, especially to young women that are constantly surrounded by misogynistic and harmful depictions of female sexuality.

### 6.3. Careful Progression

Last year, 2015, was a remarkable year for surprising and boundary-breaking film ratings. Films featuring sexually active female leads receiving cunnilingus, such as *Fifty Shades of Grey*, *Gone Girl* and *The Diary of a Teenage Girl* all received an R-rating. As discussed earlier, *Fifty Shades of Grey* (2015) can be seen as one of the indicative of the changing times within CARA practices, as the highly sexual, almost harlequin-like film was not only produced by a major studio but also received an R-rating despite its explicitness. Major studios, which have been known to avoid highly sexual content in their films while including vast amounts of violence, even in PG-rated movies, rarely make these films because of the sex-focused NC-17. It is also worth remembering that although *Fifty Shades of Grey* was an unusual film from Universal Studios, it was not a risky one. The film is based on an extremely well-selling book series, making a film version colossally likely to do well at the box office. In fact, the film made more than 558 million dollars in the month of its international release (Boardman 2015, *US Weekly*). It is highly doubtful that a major studio would have embarked on a project of this

kind had it not been so obviously probable to sell big. Would a small independent studio have been able to receive an R-rating for this film? Would they have had to release the film with no rating? The case of *Fifty Shades of Grey* becomes even more complicated when reminded that the film was supposedly originally planned to be released as 'X-rated', trying not to cram all of its material into the R category. Two years before the film was released, the film's screenwriter Kelly Marcel told *The Sunday Times* that the film would be intended for the highest rating, "We are 100 percent going there. It will be rated NC-17 and it will be raunchy" (Shane 2013, *The Sunday Times*).

In contrast to *Fifty Shades of Grey*'s strangely conservative portrayal of its main character Anastasia Steele's sexuality, a recent example of a film containing complex and nuanced depictions of sexuality comes in shape of David Fincher's psychological crime thriller *Gone Girl* (2015). In one of the film's first scenes, main female character Amy receives cunnilingus from her love interest, Nick. The scene is very brief and Amy does not reach climax and Amy performs oral sex on a man she soon thereafter murders, bowing to the 'black widow' trope. Though the film very deliberately and consciously uses sex as a tool to express the main characters' power struggles, it is still striking in its openness and to a certain extent, explicitness. The film also contains a highly unusual amount of male nudity, serving the heterosexual female-gaze in a rare manner. In the case of *Gone Girl*, the MPAA chose not to discriminate against the film for its female character's sexuality, which as a statement can be appreciated and welcomed. Still, it would not be wrongly argued to say that the film falls within the parameters of the Masterpiece Exception, as David Fincher is one of the most well known and highly regarded American directors of our time. The film, distributed by 20<sup>th</sup> Century Fox, does also not escape the acknowledgment that it might have benefitted from its "Big Six" status.

One of the most surprising and positive instances of the MPAA giving a lower R-rating despite sexual content is Marielle Heller's *The Diary of a Teenage Girl*, which follows the sexual awakening of 15-year-old San Franciscan girl, Minnie. The film, produced by three independent production companies and directed by a fairly unknown filmmaker, was distributed by Sony Pictures Classics and contains a considerable amount of sexual material. *The Diary of a Teenage Girl*'s sex is interesting, as it is at times controversial and non-traditional. Minnie, who embarks on a secret relationship with her mother's 35-year-old boyfriend, takes part in many different sexual acts - including gay sex, which the MPAA rarely seems to pardon if it is not portrayed in a highly stylized, male gaze-driven or fantastical way, as exemplified by the *Black Swan* case. To further accentuate how progressive the granting of an R-rating truly was, *The Diary of a Teenage Girls* received a K18 in the United Kingdom, which is Britain's equivalent to the NC-17.

The controversial rating became hotly debated in Britain, sparking conversation and media coverage around the film and the British rating system. In an interview for *Entertainment Weekly*, Heller commented, saying “We worked very closely with the MPAA in order to get that rating. I’m pleased with that rating” and “Everything I heard was that Europe would be more tolerant of sexual content and less tolerant of violence. I never in a million years expected the rating in the U.S. to better reflect what I think the movie we made was.” (Sperling 2015, *Entertainment Weekly*.)

The aforementioned films work as interesting examples of a ‘might-be’ progression of values within the MPAA. Perhaps the backlash and media coverage of *The Wolf of Wall Street* and *Blue Valentine* cases have made the Association and CARA raters more mindful of their anti-feminist rating patterns of the past. Whether this new and more open model of operation will translate into the future is hard to tell. Lauren Rosewarne notes that “First, while cunnilingus may be more common today than in the past, this is most likely simply an indication of a general trend toward showing more sex – notably more *non-vanilla* (non-conventional) sex in mainstream popular culture instead of any specific championing of oral sex. Second, the controversy surrounding the cunnilingus scene in *Blue Valentine* reminds us that – at least from a film classification perspective – such a sex act is still considered problematic for general audiences and, notably, is deemed something that some audiences need to be restricted from” (Rosewarne, 19).

In addition to Rosewarne’s remarks on the subject, it should also be remembered that while feminist representations of sex are more visible in cinema than it has been in years, this development should not be taken for granted as the MPAA is autonomous, and therefore an easy subject to change. As Marlow Stern writes in his piece *Oral Sex Comes of Age in Hollywood: ‘Gone Girl’ the Latest Film to Showcase Female Pleasure*, “To see one of the world’s biggest movie stars, Ben Affleck, servicing a woman in one of the most hotly anticipated films of the fall seems like a step in the right direction, but there’s still a long way to go when it comes to the narrow-mindedness of the MPAA” (Stern 2014, *The Daily Beast*).

#### 6.4. Summary and Personal Statement

Female filmmakers have felt the repercussions of the MPAA’s biases for years, leading many to choose to work in the cable television industry instead. Michelle Ashford, creator of the HBO series *Masters of Sex* (2013-, USA) spoke about the divide to *Cosmopolitan Magazine*, saying “It is fascinating to me that there are very likely more restrictions in a movie than there would be on cable. It just shows you what a fabulous

place cable television has become, and I mean that in the best way. They have never said anything to us ‘Make it cleaner or safer’ or ‘Pull it back’. The only parameter in terms of what we put on and what we don’t is just what we’re comfortable with.” Ashford also notes, that “You can’t separate yourself from your sex. When people say ‘Oh, you can really tell your show has a female voice to it’, I’m like, ‘Well, it’s going to. That is simply because I’m a woman’”. Women tend to write more female-centered stories than men, often, it would seem, including more sexually active women in their scripts as well. This Ashford assertively comments on, remarking that, “You’re probably not going to find a lot of guys sitting around in rooms, saying ‘Are we accurately portraying female sexuality?’” (Murray 2013, *Cosmopolitan Magazine*.)

Ashford’s comments summarize many issues that have been explored in this study, also potentially shining a light on the obstacles and possibilities in today’s cultural realities. The themes explored in this thesis form an important subject to me, as I am primarily interested in producing female-centered films. Although I am highly aware of and informed on the obstacles I might be facing in the future, I still sometimes get worried by these restrictions and issues. I have often wondered whether this particular object of anxiety will do to me what it seems to have done to so many before me – make me doubt my vision or pre-censor material in order to face less resistance. This, in turn, makes one wonder – how many depictions of female sexual pleasure have actually been excluded from films in order to attain a more studio-friendly rating? How many female filmmakers have been discouraged by the MPAA’s potential opposition of female-friendly sex?

Legendary American cultural critic, activist, and feminist, bell hooks, has repeatedly talked about pop culture’s social and ideological effects on audiences, cogitating the effect pop culture has on general perceptions and self-perceptions of gender, race and class. In *Cultural Criticism and Transformation* (1997) wherein hooks discusses her essay collection of the same title, hooks argues that people tend to downplay culture’s general and comprehensive effect on our ideological landscape by wrongly basing the argument on personal experiences of said issues:

“Particularly in issues around erotica and sexual violence, people want to deny the direct link between representations and how we live our lives. I think that it’s possible to embrace the knowledge that there’s a direct link between representations and choices we make in our lives, that does not make that link absolute. That does not say ‘Oh, if I look at a movie in which a woman is fucked to death, then I will go out and think that I’ll let myself be fucked to death by any man that wants to fuck me. I think that that’s an absurd sense of a direct link, but that is not to say that if I watched enough of those images, I might not come away thinking that certain forms of unacceptable male violence in relationship to my female body are acceptable.”  
-bell hooks, 1997

Personally speaking, I believe hooks' comments accurately highlight the issue with sexual violence in film. That is, that even though it might not have obvious and immediate effects, the vast amount of these themes will eventually affect the audiences that are constantly consuming these elements. The effects, I believe, become increasingly negative when the large amount of negative sexual portrayals is paired with a lack of positive depictions of female sexuality. Through this writing process, I have attempted to become more aware of the filmmaking culture in America, still reminding myself that sticking to my professional goals is ultimately worth any hypothetical hardships the future might bring. I hope this process will also benefit other filmmakers – especially female ones – hoping to better understand the modern-day elements and history of our cinematic culture.

I genuinely believe it to be instrumental that filmmakers, critics, and audiences are aware of the institutional structures that shape and define our modern cultural landscape. This mindfulness is especially crucial when examining elements that are said to be upheld only for the sake of protecting our children. Often, it seems like adults in authoritative positions use this fear of damage to minors as a way of furthering their own agenda and keep art disinfected and harmless. Young people are in an ever-changing state of shaping their self-image, and what surrounds them counts. Placed in the framework of this study, it is, however, counterproductive to constantly try to keep positive portrayals of female sexuality out of the reach of young people when the Internet is chock-full of pornographic, negative and damaging portrayals of sex.

Though 2015 brought forth many positively surprising ratings, biased and controversial rating decisions still surface regularly, making it hard to assume any repeating patterns of progression within the system. Writing this study, I have had to stay aware of the fact that the next big case of the MPAA unjustly handing a feminist and/or sex-positive film an NC-17 might transpire the very day that I submit this for evaluation. Though there are selfish reasons for me to hope that this fear doesn't actualize, I sincerely do hope that the MPAA and CARA will continue to become more liberal toward female-centered sex, if only for the sake of female filmmakers and female viewers. Living in a restrictive and oppressive sexual atmosphere is distressing enough – it would at least be comforting to see genuine, naturalistic and respectful portrayals of female-centered sexual pleasure in the beautiful art form that is cinema. Hopefully, the relatively lenient rating pattern of 2015 will not simply be seen as a strange blip in the Association's operational history.

Rating systems have an important function in informing parents and sensitive viewers about a particular film's content. However, the subjective preferences of a hypothetical 'average American parent' should not have such a strong effect on the cinematic landscape of modern-day America. I believe it should be more acceptable to make films for all audiences, without the fear of institutional condemnation and systematical negative repercussions. Adult viewers are deserving of their own serious category, that would be recognized as something that is not automatically and irreversibly connected to pornography, and which might finally be accepted for widespread theatrical distribution.

I believe that positive portrayals of female sexuality are important and valuable, and that filmmakers should be able to produce said content without fear of institutional condemnation. The Association's apparent negative bias toward female pleasure would still seem to have long-reaching effects on the film industry, but hopefully the MPAA and CARA will begin to take context in wider consideration when rating sexual pain and pleasure in film. In conclusion, I hope that the Association's recent, more sex-positive views continue to progress in the future, making this Bachelor's thesis at least partially obsolete.

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## January 1–December 31, 2015

**Overall Gross: \$11.495 billion**











Rank	Distributor	Market Share	Total Gross*	Movies Tracked	2015 Movies**
1	<b>Universal</b>	<b>21.3%</b>	\$2,444.9	23	21
2	<b>Buena Vista</b>	<b>19.8%</b>	\$2,280.2	15	11
3	<b>Warner Bros.</b>	<b>13.9%</b>	\$1,603.1	38	26
4	<b>20th Century Fox</b>	<b>11.3%</b>	\$1,302.9	24	17
5	<b>Sony / Columbia</b>	<b>8.4%</b>	\$966.3	20	16
6	<b>Paramount</b>	<b>5.9%</b>	\$674.7	16	12

Appendix 1. Studio Market Share. Box Office Mojo. <http://www.boxofficemojo.com/studio/?view=company&view2=yearly&yr=2015&p=.htm> (Screenshot 05/01/2016).




# THE FILM RATING SYSTEM

EMPOWERING FAMILIES TO MAKE INFORMED MOVIE CHOICES

GENERAL AUDIENCES			Nothing that would offend parents for viewing by children.
PARENTAL GUIDANCE SUGGESTED			Parents urged to give "parental guidance." May contain some material parents might not like for their young children.
PARENTS STRONGLY CAUTIONED			Parents are urged to be cautious. Some material may be inappropriate for pre-teenagers.
RESTRICTED			Contains some adult material. Parents are urged to learn more about the film before taking their young children with them.
NO ONE 17 AND UNDER ADMITTED			Clearly adult. Children are not admitted.

FILMRATINGS.COM



Appendix 2. The Film Rating System. Official CARA description of film ratings. Filmratings.com (CARA's official web site) <http://filmratings.com/how.html> (Attached 05/01/2016).

**Year by Year Market Share**

Year	Movies in Market Release	Market Share	Gross	Tickets Sold	Inflation-Adjusted Gross	Top-Grossing Movie	Gross that Year
1995	2	<b>0.38%</b>	\$20,233,611	4,651,404	\$36,839,120	<b>Showgirls</b>	\$20,170,437
1997	2	<b>0.01%</b>	\$786,143	171,272	\$1,356,474	<b>Pink Flamingos</b>	\$413,802
1998	2	<b>0.01%</b>	\$615,092	131,148	\$1,038,692	<b>Orgazmo</b>	\$582,024
2000	1	<b>0.02%</b>	\$1,160,268	215,263	\$1,704,883	<b>Trois</b>	\$1,160,268
2004	4	<b>0.07%</b>	\$6,397,558	1,030,201	\$8,159,192	<b>The Dreamers</b>	\$2,531,462
2005	3	<b>0.05%</b>	\$4,176,670	651,585	\$5,160,553	<b>La mala educación</b>	\$3,452,654
2007	1	<b>0.05%</b>	\$4,563,185	663,253	\$5,252,964	<b>Se jie</b>	\$4,563,185
2008	2	<b>0.00%</b>	\$51,710	7,201	\$57,032	<b>Se jie</b>	\$41,797
2011	1	<b>0.02%</b>	\$1,965,874	247,903	\$1,963,392	<b>Shame</b>	\$1,965,874
2012	2	<b>0.02%</b>	\$2,193,846	275,608	\$2,182,815	<b>Shame</b>	\$2,036,419
2013	1	<b>0.02%</b>	\$2,426,783	298,497	\$2,364,096	<b>La Vie d'Adèle – Chapitres 1 &amp; 2</b>	\$2,426,783
2014	1	<b>0.00%</b>	\$23,721	2,903	\$22,992	<b>La Vie d'Adèle – Chapitres 1 &amp; 2</b>	\$23,721

Appendix 3. Year by Year Market Share. Box Office Mojo. <http://www.boxofficemojo.com/studio/?view=company&view2=yearly&yr=2015&p=.htm> (Screenshot 05/01/2016).