



Saturday, Sep. 02, 2006

## Censuring the Movie Censors

By Richard Corliss

The independent movie *The Cooler*, a sentimental story about an unlucky casino employee and his girlfriend, had just been smacked with an NC-17 classification — no one under 17 allowed to attend — by the ratings board of the Motion Picture Association of America. The film's offending passage was a tender love scene between William H. Macy and Maria Bello that included the briefest glimpse of the actors' genitals.

That rating angered Bello, in part because she had just seen the horror comedy *Scary Movie*, in which a psycho killer stabs a woman in her breast and removes her silicone implant with his long knife. Yet *Scary Movie* was rated R, meaning it could be attended by any kid with an adult in tow (assuming the local theater management enforced the rating, which is not always the case). The disparity between the gentle realism of *The Cooler* and the grotesque brutality of *Scary Movie*, and the knowledge that the grosser film had received the softer ruling, spurred Bello to petition the MPAA for a ratings change — as she puts it, "to go in and fight for my pubic hair."

The *Cooler* contretemps (which ended with the scene "substantially intact," in Roger Ebert's tantalizing phrase) is among the titanic Hollywood battles itemized in Kirby Dick's very entertaining documentary *This Film Is Not Yet Rated*. The movie is a broadside against the MPAA on behalf of indie filmmakers, and is sponsored by the Independent Film Channel. It's a jazzy jeremiad that dances around the whole dilemma of ratings. Should children be kept from seeing adult films? Can a child's movie maturity be determined by his or her chronological age? If there's a ratings system — by any other name, a censorship board — should it be run by the government or the movie industry?

## SPANNING THE GLOBE FOR MOVIE RATINGS

All national film ratings systems are supposedly created to protect impressionable children from adult content. But the U.S. scheme differs from the ones in other countries in several major ways. The first is the body that does the ratings. In most countries, ratings boards are maintained by the government. Their classifications, usually by the lowest age of the person permitted to see the film, have no wiggle room: if you're not that age, you're not allowed to see it. In France and Germany, those ages are 12, 16 and 18; in Britain, 12, 15 and 18; in Japan, 15 and 18; in New Zealand, 13, 15, 16 and 18; in Switzerland, seven, 12, 16 and 18. Once you've reached 18, you're on your own.

The U.S. system, founded in the mid-'60s, is controlled not by a government agency but by the very industry that manufactures the product — to be precise, by the six major studios that constitute the MPAA. In a way, it's an earlier, more overt form of regulation popular in the Bush Administration, where lobbyists frequently write the legislation that cover the industry they works for. The MPAA is basically the big studios' lobbying organization, pressuring Congress to pass certain laws (like the ones against movie piracy) and to hold off on others (like, heaven forbid, a federal ratings system).

The MPAA format might seem the most liberal of any major country, since on its face it's advisory, not proscriptive. Anyone can see any film rated G (general audiences), PG (parental guidance) or PG-13 (not recommended for kids under 13). Only the R and NC-17 ratings can theoretically keep kids out of a movie. The rest is up to parents. Indeed, the MPAA's professed purpose is to suggest to parents which films would be suitable to children of varying ages (and to insist that exhibitors enforce these suggestions). So instead of a committee staffed by psychiatrists, film professionals and civil servants, the MPAA ratings board is meant to comprise parents of children from five to 17 — adults whose home job as well as ratings mission is to ask themselves, "Can my child handle this movie?"

To me it's naive, almost touching, this idea that modern parents have such financial power and moral authority over their children that they can keep the little ones from seeing a forbidden film, especially when kids usually go to the movies on their own, and are adept at buying tickets for a PG-rated picture and then sneaking into an R-rated one.

But, hey, it works, at least in sustaining itself and suppressing any challenges to its monopoly. Led for 37 years by Jack Valenti, the former Lyndon Johnson aide who maintained many friends in Washington, the MPAA is one of America's most effective lobbies. Consider this: With all the agitation from conservative Christian groups about the perilous state of popular culture, there have been few concrete attacks on the way the movie industry polices its content, and no consistent

demand to hand the ratings job over to the federal government. The MPAA's success since the mid-'60s, when it established its ratings guidelines, is stunning. Back then, many state and local censorship boards existed, each with the power to ban or eviscerate films. Today, there are none.

The MPAA boasts that the ratings system is a "voluntary" process. Voluntary to the studios, that is. Mandatory to filmmakers, who must fashion their films to fit the contours of an R rating, or suffer the consequences.

You might ask why powerful directors don't just straighten their spines, forget about the megamillions and go make their adult movies, NC-17 or no. The answer is that, for an American filmmaker, art and commerce are always in tension. The artist wants his film to be seen as he envisioned it. The businessman, who's taken millions to make the picture, also needs to satisfy his investors that the product will go into the widest market. A R-rated movie can play in any U.S. movie house; an NC-17 is verboten to many large theater chains and video stores, and will have trouble being advertised in newspapers and on TV.

Kimberly Peirce, the director of the 1999 *Boys Don't Cry*, which won a Best Actress Oscar for Hillary Swank, puts it bluntly: "The studio won't release your film if you have an NC-17." Which raises the question most relevant to filmmakers: Does the U.S. have a place for movies you wouldn't want your kids to see?

## **NO STANDARDS, NO PRECEDENTS**

The film is strongest in exposing the capriciousness of the standards for judging movies. "There was no rater-training process," Jay Landers, a former member, tells Dick. "People were hired, they were put into the screening room, put into the rating chair and started rating films." Further, those who challenge the MPAA rating for a particular film are not allowed to cite movies with similar scenes that got a milder rating. "It's not like a legal proceeding where you can quote precedent," says Wayne Kramer, director of *The Cooler*. The legal equivalent to this strange rule would be that every plaintiff in a racial prejudice case before the Supreme Court was obliged to argue *Brown v. Education* all over again.

Dick — who made the terrific (NC-17) study *Sick: The Life and Death of Bob Flanagan, Supermasochist* in 1977, and earned an Oscar nomination for the predatory-priest doc *Twist of Faith* — asks pertinent, pointed questions about the secrecy of the process. Filmmakers are not told the identity of their judges, either on the nine-person ratings committee or on the larger appeals board. Part of the movie's fun is in Dick's hiring of a detective who tracks down the names of the members

on these two star chambers. (The sleuthing is amusing but ultimately irrelevant. The raters are the middle-class folks you'd expect them to be; the appeals board is stacked with exhibitors. So what?)

The film's most substantial charge is that the ratings system has two chronic biases: toward films from the big studios and against indie movies; and toward violence and against sex. On the first count, Dick takes a deposition from Matt Stone, who created *South Park* with Trey Parker. Stone says that when their indie comedy *Orgazmo* was slapped with an NC-17, they were given no hints in cutting the film to get a less proscriptive rating. Yet two years later, when Paramount was behind their movie *South Park: Bigger, Longer Uncut*, the board, according to Stone, offered explicit help in which scenes might be softened or removed to achieve an R.

The matter of sex in films, as raised by Maria Bello's comments about *The Cooler* and *Scary Movie*, is clear enough. And it is especially notable in films that treat gay sex. *This Film Is Not Yet Rated* splits its screen to show similar sexual scenes, with gay ones on the left side, straight on the right. A girl masturbating about a girl she's met (in *But I'm a Cheerleader*), a boy masturbating into pastry (*American Pie*); a gay orgasm (*Boys Don't Cry*), a straight orgasm (*Single White Female*); a guy on top, with a guy (*Mysterious Skin*), a guy on top, with a woman (*Unfaithful*); two women (*Henry and June*), a man and a woman (*Sideways*). Each time, the gay scenes received an NC-17 rating while the straight scenes got an R. And in most cases, the NC-17 films were independent productions, the R films from major studios.

On the sex and violence issue, the ratings people might say — and since they never explain their rationale, we have to guess at it — that kids are programmed from their earliest days to believe that sex is for real, where as violence is pretend. It's the difference between watching a video game in the basement and making an untimely visit to your parents' bedroom. For most American children, sex education begins just before puberty, but violence they can get from infancy in Tom and Jerry pain-fests on the Cartoon Network. Whatever the MPAA's argument, their raters must believe that kiss-kiss is more toxic than bang-bang, since four times as many films are rated NC17 for sex as for violence.

But I wonder: are American kids so different from Europeans? In Europe, scenes of sexuality that would be proscribed in the U.S. often get a pass. Leos Carax's 1999 *Pola X* contained a love scene with a somberly lighted but unmistakable view of an erect penis, yet it received a U in France, the equivalent of our G. (The film had a limited, unrated release in the States.) *Y tu mama tambien*, Alfonso Cuarón's Mexican comedy-drama about two teenage boys and the slightly older woman they take on a jaunt, could be seen by 12-year-olds in France but was forbidden to under-18s by the MPAA.

Conversely, foreign ratings boards are tougher on the most extravagant forms of movie violence, to

which the MPAA board is so famously indulgent. In Britain, Germany, Ireland, Finland, Hong Kong, the Philippines and most of Canada, someone under 18 couldn't see, say, *Saw*, the grisly horror film that was rated R in the U.S. There are dozen of similar examples. The foreign boards obviously think they're protecting kids from traumatic images. But if you were to ask Hollywood distributors not to show splatter movies to kids, they'd probably squawk, "But that's our main audience!"

Occasionally, a film goes into the marketplace unrated and finds a welcoming adult audience. *Y tu mama tambien* earned \$13.8 million at the North American box office, along with lots of critics' awards, and \$19.8 million abroad. That cume, \$33.6 million, is pretty good for a sexy little art film with a budget (according to the Internet Movie Database) of about \$5 million. But it's less than, say, *Saw II*, the horror-film sequel that cost only \$4 million to make, earned in just its first weekend in the U.S., Canada and Britain.

## **GREED IS THE CREED**

Dick discovered many of the MPAA system's anomalies when he submitted *This Film Is Not Yet Rated* to the board. I would love to have been a bug (or a hidden camera) on the wall of the screening room as the members watched this expose of their methods and themselves. To no one's surprise, including Dick's, the film received an NC-17 rating. When he questioned board chair Joan Graves about her group's decision, she deflected matters of political embarrassment and simply told him the film got its rating for images of extreme sexuality — his brief clips from NC-17 films. And when he asked about the qualifications for board membership, adding that he might be a good candidate because he's a parent with an interest in film, Graves drolly drawled, "I don't think you'd be a very good rater."

Maybe not, but he's a very good polemicist. And if his film never clarifies his own notion of an ideal ratings system, he did offer some clues in an Associated Press interview during this year's Sundance Film Festival. "I would prefer an open system with standards, and if they're going to have guidelines, have the guidelines so that filmmakers know what they're working with and against, and there's something there to publicly advocate for and against. That's the democratic system."

Democracy within an autocracy. Art within an industry. Those are the variables a filmmaker faces in getting his work to a large audience. As for the movie studios, the only thing pure about them is their devotion to earning a buck. They see an NC-17 rating as restraint of trade, so they're unlikely to change the system in order to indulge a few artist-directors.

Six years ago, when the Federal Trade Commission accused movie studios of peddling adult

entertainment to kids, I wrote something for TIME.com that, I think, applies today to the MPAA debate:

The distributors of entertainment are not creators; they are vendors. Their job is to sell things to people — sell anything to anybody. In an unguarded moment, they'd probably tell you that that is their corporate responsibility. They know that you increase the potential profitability of any product by increasing its potential audience. If a 12-year-old will and can buy their violent movie or CD or video game, they will sell it to him. If the kid wanted beer and could buy it, they'd sell him that too.

Once upon a time, in the late '60s and early '70s, there was something that deserved the term adult entertainment. It delved responsibly into mature themes for a wide, grown-up audience. *Midnight Cowboy*, which won the Oscar as best picture of 1969, was rated X; if you weren't at least 18, you couldn't see it. Same with such excellent films as *Medium Cool* and *The Devils*. I don't remember mass complaints that kids couldn't see these films. The idea then was that some things — intelligent films and, for that matter, the profits that came from them — were worth waiting for.

We now live in an age of instant gratification. The kids can't wait for their adrenaline fix, and the moguls can't wait to peddle it to them. What this gives us is violent entertainment for the young. What it deprives us of is mature entertainment for the mature.

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