The History of Sex in American Film

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To my family, friends, and colleagues

Contents

Introduction

An enormously important aspect of interpersonal relationships in the contemporary world, sex has come—over the course of the twentieth century—to occupy an elevated status as an element of human experience. Sexuality also has an institutional aspect: it has been confined to marriage by law in earlier periods and regulated by age. Commercial versions such as pornography (if obscene) and prostitution have been or are still illegal. The legal control of sexuality makes clear another aspect of human sexuality: it is often very contentious. Sex, in its complexity, unites and divides people. Some of sex's most common—and divisive—cultural manifestations are its representations in cinema.

The analyses that follow go beyond explicit nudity or on-screen sex and conceive sex broadly, looking at the cinematic representations in their social and historical contexts. Otherwise, a collection of stills with nude actors and actresses and shots of people engaged in any variety of sex acts would suffice. In order to examine the representation of sexual behavior as it occurs in narrative as well as social, cultural, and historical contexts, the analyses that follow recreate these crucial elements of the sexual imagery and its larger meanings in intimate relationships and society.

To understand the interplay between film narrative and social and cultural history, the analyses not only provide correlative explications of *why* sexual behavior is in a film; they also illuminate *what* is on-screen and what is not. It is important to bear in mind that film is an aesthetic medium, and the way in which particular filmmakers choose to represent sexuality in specific narratives is immensely important and must be considered, as is done in detail. The analyses go beyond the aesthetic to consider the social and cultural preconditions at various periods in American history. Rather than draw on, for example,

psychoanalytic theories to elucidate sexual representations in cinema, this work draws on social and cultural history, as well as non-Freudian psychology and sociology. To that end, the book is divided into two sections. The first section surveys the historical development of sex and nudity in film from cinema's beginnings until today, as well as the corollary growing recognition of the sexual diversity in American society. Integrating narrative analysis with a historical survey provides a more subtle view of how Hollywood's depictions of sex changed over the course of a century and shows how different genres have evolved alongside changing sexual values and behavior patterns in American society. The second section examines four specific sex-related themes—historical sexual revisionism, gay and lesbian sexuality, adultery, and pedophilia—in greater detail.

The first chapter traces the history of sexual representations and their regulation in American cinema from the industry's earliest years to the middle of the 1960s. The focus is on the film industry's self-censorship regimes, their enforcement, and their effect on nudity and sexual behavior in mainstream films until the mid-1960s, and the industry and social conditions that contributed to first the adoption of the Production Code, the industry's first set of self-censorship regulations, and then the Code's gradual undermining. Finally, the chapter traces the development of state obscenity law as the ultimate limit on constitutionally protected sexual expression in motion pictures.

In order to provide a more complete picture of the representation of sex in American cinema before the 1970s, the second chapter goes beyond the mainstream film industry to the films most affected by obscenity law. On the margins of the American film industry, sexual content suppressed by the mainstream industry's self-censorship and state censorship laws managed to thrive in several genres. The chapter looks at sexploitation, pornography, European movies, and American underground cinema. It concludes by tracing the important liberal realignment in sexual behavior patterns in the United States over the course of the decades following World War II.

Chapter three begins with an analysis of the sexual themes in films acclaimed as the final nails in the coffin of the Production Code. Next, it examines the development and structure of the ratings system that replaced the Code in 1968. Finally, the chapter surveys the role played by sex in the development of New Hollywood, one of the American film industry's periodical renewals, during the late 1960s and early 1970s. The brief flowering of pornography known as *porno chic* is discussed as part of a larger discussion of the extent to which once marginal genres gained greater acceptance and influenced mainstream production.

Chapter four picks up the thread of the changes in sexual behavior patterns in the United States, which continued through the 1970s and

into the 1980s. The chapter then examines a thematic development that drew on the changes in Americans' attitudes toward marriage and intimate relationships that emerged along with the sexual realignment: in movies, characters that remained faithful to unfulfilling relationships were now no more common than characters whose first allegiance was to themselves rather than their relationships. To exemplify this development, the chapter analyzes shifts in the representation of intimate relationships and sexual themes. The chapter concludes with an examination of the way filmmakers handled sex in teen films.

The fifth and final historical chapter considers the impact of the conservative counterattack on the liberal sexual realignment of the postwar era and the representation of sex in mainstream American cinema from the late 1980s until today. The social-historical account dovetails into an examination of the introduction of a new rating category, NC-17, and the growing success of independent filmmakers. These dichotomous developments paralleled divisions between conservative efforts to limit sex in the public sphere and the continued liberal recognition and acceptance of sexual pluralism in the United States. To give a sense of the sexual dichotomy as it played out in movies, the chapter examines representative films from the romantic comedy and the erotic thriller, two genres that could be taken as representing the polar ends of the spectrum of sexual representations that have come to populate American movie screens.

The book then shifts from its historical review of sex in American film and looks at major sexual themes. Chapter six considers how Hollywood revised its representation of the past to include sexual behavior after the demise of the Production Code. Limits on sexual candor imposed by the Code clearly led to the creation of an image of people's sex lives that did not correlate with the roles sex played in society. Under the ratings system, American films revisited the past and portrayed the sex lives of earlier generations.

Chapter seven begins by examining the suppression of homosexuality under the Production Code as well as how more or less coded representations appeared in numerous films. It then examines the use of the gay bar as an iconic space in films depicting homosexuality as a marginalized sexual orientation. The chapter also looks at American cinema's representation of antigay sentiments in its films and the gradual emergence of homosexuality in mainstream films.

Chapter eight looks at adultery, in many ways the quintessential sexual topic for cinema. It also highlights a basic shortcoming with Production Code–style film censorship: although film is arguably first and foremost a visual medium, it does not have to show things for the audience to "see" them. Infidelity in general and adultery in particular are interesting tests on the limits of metaphors concerning how motion

pictures reflect the attitudes and values of society. While unfaithful partners became common in Hollywood films and were often portrayed as sympathetic, adultery has never become a surefire box office magnet.

The ninth and final chapter looks at incestuous and nonincestuous pedophilia in American society and cinema. Incest and pedophilia have been included to provide the reader with an overview of how film has represented a criminal form of sexual perversion that perpetrators have kept highly concealed from public view.

Many more films were analyzed than could be squeezed into this work. The final choices reflect an effort to balance several criteria. Some were box office successes while others were landmark films. Others are independent films as well as critical successes that did not necessarily do well at the box office. The sheer number of movies that include nudity or sex is so large that any list can only exemplify the trends, the highlights, and scale of this phenomenon over the last one hundred years. Overall, the films chosen, several of which are in the United States National Film Registry, are representative of the variety of ways that sex has appeared on American movie screens.

I thank my editor at Praeger, Daniel Harmon, whose positive and timely feedback revamped an occasionally sagging spirit and helped me find the right tone and thematic shape for the book. Finally, I would like to say thank you to my wife, Pernille, an impoverished expression that does not begin to repay her invaluable input and patience while this book was being written.

1

Drawing the Line: Codes and Laws

EARLY AMERICAN FILM CENSORSHIP

Motion pictures appeared at the end of the nineteenth century. They immediately attracted large audiences, especially among the poor and working class, many of whom were immigrants. Increased leisure time had slowly emerged in the wake of industrialization and urbanization, two major outcomes of modernization. An array of social problems such as overcrowded tenements and crime accompanied urbanization. Reform organizations such as the American Social Hygiene Association poured energy into combating sex-related problems believed to accompany urbanization: sexually transmitted diseases like syphilis, premarital sex, and prostitution. Because modernization also brought with it secularization, many conservative Protestants felt they were in the throws of a social and cultural revolution that threatened to undermine public morality. Worried variably by the age, ethnicity, or social class of the audience and the bawdy content of some films, middle- and upper-class conservative Protestants viewed the burgeoning medium as a threat to family values, the latest "cheap" lower-class entertainment like saloons, vaudeville, and penny arcades. They attempted to stem the tide of change by regulating or forbidding nickelodeons, expanding older theater licensing laws to encompass the new medium.

The licensing approach to film censorship began in 1907 when Chicago required exhibitors to secure permits from the chief of police before showing films. The ordinance prohibited "the exhibition of

obscene and immoral pictures."[1] Jake Block, who owned a chain of nickelodeons, challenged the ordinance by screening two Westerns, *The James Boys in Missouri* (1908) and *Night Riders* (1908), after they had been denied permits. Block's case reached the Illinois Supreme Court. In *Block v. City of Chicago* (1909), the court upheld the ordinance and legitimized local governments' power to censor or prohibit obscene or immoral films.[2] The industry took note of *Block* since it established a legal precedent legitimizing film censorship.

Six years later, in *Mutual Film Corp. v. Industrial Commission of Ohio* (1915), the United States Supreme Court ruled film censorship constitutional.[3] The Court cited *Block* as having sustained the use of the police power to censor films. Most importantly, the Court determined that the First Amendment did not protect motion pictures because they were "mere representations of events, of ideas and sentiments published and known, vivid, useful and entertaining no doubt" but also "capable of evil, having power for it, the greater because of their attractiveness and manner of exhibition."[4] The medium's *potential* to construct stories and show images that some Americans found immoral was enough to deprive it of constitutional protection.

The Court voiced concern with motion pictures' effects during a period of significant social transformation. The growth of the film industry paralleled changes in Americans' sex lives. Progressives' concerns about sex hygiene kept sexual concerns in popular magazines. Women's movements secured women the vote and kept issues such as birth control and marital sex on the national agenda. Rises in both the divorce rate and rates of premarital sex alarmed many Americans who were anxious about the vitality of the institution of marriage. Efforts to insure its survival included promotion of companionate marriage and manuals explaining the importance of the sexual compatibility of husbands and wives. Urbanization engendered greater individual freedom, undermining the Victorian social norms that governed sexuality.

Conservatives believed the weakening of traditional sexual values and the increased sexual opportunities in cities for men and women were directly related to increases in prostitution, miscegenation, abortions, and birth control use. Conservative reformers were especially vexed by female sexuality. Many filmmakers, by contrast, continued to make female sexuality central to their narratives. The social issues that caused reformers anxiety provided filmmakers with stock figures: the naive country girl unwittingly seduced by a big-city scoundrel or the fallen woman who became a prostitute. Filmmakers showed nudity in their films, despite the lack of First Amendment protection, because a substantial market existed. As Richard Randall notes, in the first decade of the twentieth century "the portrayal of vice and immorality seemed well on its way to becoming a multimillion-dollar business."[5]

The growing market for films with sexual content alongside increased calls for censorship delineated clear cultural divisions. Conservatives cheered when New York City mayor George B. McClellan, Jr., revoked the licenses of the city's nickelodeons in 1908 because he believed motion pictures were immoral. In reaction, to avoid governmental censorship theater owners and film distributors established a ratings board that would become known as the National Board of Review of Motion Pictures. As conservatives and liberals debated what was permissible, some filmmakers sought a middle ground by connecting sexuality—from on-screen nudity to adulterous relationships—to an uplifting moral message. For example, *The Hypocrites* (1915) did so quite literally with recurring shots of a fully nude character known as "The Naked Truth" (Margaret Edwards).

More commonly, sensationalism lured audiences into theaters by embedding sex in social contexts where immoral actions clustered together. Vice films were set in the underworld of crime syndicates, in the decadent leisure time of the wealthy and their mistresses, or in brothels. For example, *The Voice of Satan* (1915) followed the experiences of a woman forced into prostitution. Prostitution also figured in *A Mother's Ordeal* (1917). In *A Romance of the Underworld* (1918) a young woman leaves the convent she grew up in and winds up in the nether world of New York City's Lower East Side. White slavery drives the story lines of films like *The House of Bondage* (1914) and *The House of Silence* (1918), driving vice suppression groups into action.

The darker side of sexuality also had its female stars, beginning with the Fox Film Corporation's successful marketing of Theda Bara as a seductress. Bara became a star playing the Victorian stereotype, the vamp, a woman who lured men to their ruin, in Fox's first film, *A Fool There Was* (1915). Fox repeated the vamp formula in *The Devil's Daughter* (1915) and *The Vixen* (1916). In *The Vixen*, the main character, Elsie Drummond (Bara), is a nymphomaniac. Vamp films typically had risqué titles like *Flames of the Flesh* (1920). The Victorian dichotomy between vamps and virgins frequently shaped early film narratives, but most filmmakers believed characters should abide by dominant sexual morals. In most films, they did, not least because the boom in popularity meant large numbers of films had to be produced quickly, and filmmakers adapted existing plays, novels, and short stories based on Victorian moral codes.

The industry's first superstars did not challenge traditional sexual norms. In D. W. Griffith vehicles like *The Birth of a Nation* (1915) and *Broken Blossoms* (1919), Lillian Gish's characters—and in the eyes of many of her fans, Gish herself—personified Victorian sexual values such as innocence and the equation of virginity with virtue, and, with the films' rejection of miscegenation, racial purity. In *Way Down East*

(1920), an *urban* con man, Lennox Sanderson (Lowell Sherman) exploits Anna Moore (Gish). A young man from the country, David Bartlett (Richard Barthelmess), saves Anna from moral and physical ruin. While traditional sexual morality did not disappear, it now coexisted with modern values, a division that characterized films, audiences, and state governments.

While some Americans flocked to such films as Universal's white-slavery tale *Traffic in Souls* (1913) or Fox's *Cleopatra* (1917), starring Theda Bara, others found such fare shocking. Many of the offended, organized in women's clubs, religious groups, and antivice societies, called for greater censorship. By 1921, Pennsylvania, Ohio, Kansas, Maryland, and New York had established censorship boards to ensure that films exhibited within their borders met moral standards established by the state legislatures. Although some states and numerous municipalities empowered censorship boards, others did not. The industry confronted a complex distribution and exhibition web in which some states might alter or prohibit a film while other states let the same film play unedited. After the *Mutual* court case, the industry had no recourse to challenging censorship on constitutional grounds.

To add to its woes, a string of scandals generated massive negative publicity. Mary Pickford, who had become "America's Sweetheart" with her depiction of sexually innocent youth in films like *Rebecca of Sunnybrook Farm* (1917), divorced her husband in 1920 to marry her lover, Douglas Fairbanks. Fairbanks divorced his wife to marry Pickford the year she starred as a twelve-year-old orphan in *Pollyanna*. That same year, Pickford's sister-in-law, Olive Thomas, committed suicide. Roscoe "Fatty" Arbuckle went on trial for manslaughter in 1921. The following year, sordid intrigue surrounded the unsolved murder of director William Desmond Taylor. Hollywood's tarnished public image intensified the campaigns for censorship.

The Production Code

Partly to curb the influence of pro-censorship movements, the largest production companies in the industry, now located in Hollywood, formed a trade association, the Motion Picture Producers and Distributors Association (MPPDA), in 1922. Among its many tasks, the MPPDA assumed responsibility for ensuring the moral standardization of popular films. To that end, the MPPDA recruited a cultural conservative, Will H. Hays, to be its first president, a position Hays occupied until 1945. To counter movements among state legislators, religious groups, and newspapers that chafed at either explicit or implicit sex in films, Hays initially convinced members to adopt voluntary self-regulation.

Compliance was not fast coming. Given the success their films were enjoying, many studio heads waved off demands for censorship as the griping of a small, if vocal, minority. The complexity of the clashes over sex in film is illustrated by the success of Erich von Stroheim's *The Merry Widow* (1925). MGM edited *The Merry Widow* after pressure from Hays and conservative groups, even though the film had passed muster with censorship boards across the nation. Edited to placate the MPPDA, the film still included an orgy and clear indications of a foot fetish. Inspired by the film's success at the box office, other filmmakers produced lurid fare.

The studios also promoted stars as sex symbols. Greta Garbo repeatedly played women who violated traditional sexual norms in films that scored box office successes. MGM starred Garbo in the melodrama *The Temptress* (1926), in which the Swedish beauty played a married woman who is a mistress to other men. She costarred with John Gilbert in her next film, *Flesh and the Devil* (1926). Two lovers, Felicitas von Kletzingk (Garbo) and Leo von Sellenthin (Gilbert), exchange their first kiss in a scene that fades out and then fades in to the couple lounging together in her boudoir. Elliptical editing would remain Hollywood's preferred technique for implying sex.

Hollywood also discovered the sexually liberated flapper, the iconic modern young woman of the 1920s who enjoyed greater freedom than earlier generations of women. These middle- to upper-class single women lived in the city or its suburbs. The anonymity of city life allowed them to live on their own in small apartments and frequent clubs and theaters. They participated in dance crazes. They dated. They wore short skirts, sheer blouses, and revealing swimwear. They raised eyebrows and were targeted for repression by the legal establishment. They personified a rebellion in manners and morals and were personified in turn by the "It" girl, Clara Bow, exemplified by her character Betty Lou in the huge box office hit that made her a star, Paramount's *It* (1927).

The studios failed to meet Hays's expectations, so he formed the Studio Relations Committee in 1927 and drew up a list of "Don'ts and Be Carefuls." Hays took the threats of boycotts from organizations such the National Congress of Parents and Teachers seriously. The studios continued to worry him as well. Recognizing the ineffectualness of his list, Hays followed up on a initiative from Martin Quigley, Sr., a Catholic layman and publisher of the trade magazine *Motion Picture Herald*, and called upon Quigley and Daniel A. Lord, a Jesuit drama professor at St. Louis University, to draft "A Code to Govern the Making of Talking, Synchronized and Silent Motion Pictures." Quigley and Lord composed guidelines cloaked in quasi-religious language reflecting a conservative Christian view of human sexuality and marriage.

The Production Code reflected not only Quigley and Lord's religious values but also their assumptions about what various censor boards and religious organizations around the country would or would not permit. Both men preferred industry self-regulation, and they wanted to prevent the emergence of new censor boards. This interested the MPPDA as well, since the web of conflicting censorship laws impeded national distribution and exhibition. To avoid confrontations with censors, the Code incorporated self-censorship into the production process. The MPPDA consciously placed the Studio Relations Committee between filmmakers and the public, claiming to protect artistic freedom even while setting strict limits to expression.

The Code expressed conservative beliefs about media effects that were one of the motivating factors behind calls for censorship. Motion pictures were believed capable of exerting tremendous influence on behavior, especially that of youths. Quigley and Lord were concerned that members of a film's audience might imitate what they saw on-screen. Motion pictures' ability to mold attitudes and behavior and their tremendous popularity burdened producers with a special responsibility. The General Principles statement that accompanied the Code argued that immoral images were not allowed because they would "lower the moral standards."[6]

Although the Code proscribed nonsexual matters, it devoted considerable attention to expunging sex. It promulgated the conservative view that any relaxation of traditional sexual morals would precipitate a loosening of marital bonds. Nonmarital sex was not only wrong in and of itself; it also threatened the marital institution. Thus, the main objective with the ban on sex was to maintain the "sanctity of marriage and the home." The studios were also prohibited from implying that "low forms of sex relationship" were "accepted or common" because that misconception could potentially undermine the "sanctity of the institution of marriage." These "low forms" included adultery, passionate acts such as "[e]xcessive and lustful kissing, lustful embraces, suggestive postures and gestures," seduction or rape, "sex perversion," white slavery, miscegenation, sex hygiene and venereal diseases, childbirth, and children's genitals. The prohibition against "sex perversion," which encompassed homosexuality and pedophilia, was absolute, forbidding "any inference to it."

Provisions barring implications appear frequently, reflecting the drafters' awareness of narrative strategies for representing sex. Although the Code prohibited on-screen representations and narrative implications of the sexualized or eroticized body, its wording actually encouraged filmmakers to manipulate its restrictions by introducing situational justifications as narrative devices. Well aware of filmmakers' ability to create situations and settings that ostensibly called for characters

undressing, the Code's drafters stipulated that "[u]ndressing scenes should be avoided, and never used save where essential to the plot." Plot relevance turned out to be a relative criterion. Rather than elide over changing clothes for the evening, inventive filmmakers might set a scene with important dialogue in the bedroom and let the clothing hang over the edge of a screen. Nudity unseen was better than no nudity at all.

After negotiations, the MPPDA adopted the Production Code in March 1930, but the studios largely continued to ignore Hays's commandments. In between Gilbert films, Garbo played a prostitute in her first talkie, the heavily promoted *Anna Christie* (1930). Garbo's sexually active characters and her star status proved to the studios that audiences generally did not want the same limits on sexuality in films that reformers and regulators desired, a view reinforced by the popularity of Paramount's *The Sign of the Cross* (1932). In Cecil B. DeMille's box office success, Mercia (Elissa Landi) rejects the seduction efforts of a lesbian temptress, Ancaria (Joyzelle Joiner), as well as the romantic overtures of Marcus Superbus (Fredric March). Although ostensibly a religious epic, DeMille's film helped refine the Hollywood approach to embedding sex in stories in which sex played a minor thematic role but had a significant screen presence. Debates over DeMille's epic raged over whether the film had a moral message or not, but it played uncut in New York, Kansas, and Pennsylvania and slightly edited in other locales.[7]

The recalcitrant studios continued to see sexual themes as a way to entice audiences into theaters. Studios relied on negative female archetypes like Jean Harlow's gold digger in *Red Headed Woman* (1932). *The Story of Temple Drake* (1933) included the implied rape of the title character (Miriam Hopkins). Disagreements among members of the MPPDA over concern about censorship were evident in the Advertising Code, which banned studios from exploiting censorship decisions when promoting films. One studio's legal obstacle was another's advertising copy.[8]

Once again, an attempt at industry self-regulation failed. The threat of censorship and boycotts increased, especially after the debates sparked by the publication of the multivolume Payne Fund Studies on Motion Pictures and Youth in 1933. In Hays's view, as he would recall in his autobiography, the "biggest factor bringing obloquy upon the industry was sex. There were other causes of public displeasure," he noted, "but … sex pictures were the prime cause."[9] The bankers who financed film production demanded stability and pressured Hays. To mitigate the dangers of censorships, boycotts, and balking financiers, Hays reorganized the Studio Relations Committee into the Production Code Administration (PCA) in 1934, and gave the PCA the authority to interpret and enforce the Code. Hays appointed Joseph I. Breen, a

culturally conservative Catholic, head of the PCA, a position Breen held until 1954. Under Breen, the Code succeeded for a number of reasons.

First, the industry was an oligopoly (the form it would have for roughly twenty years) dominated by the eight largest companies in the industry, known as the Majors (Paramount, MGM, Twentieth Century-Fox, Warner Brothers, and RKO) and the Minors (Universal, Columbia, and United Artists). Vertically integrated, the Majors owned production studios, international distribution operations, and theater chains. The Minors owned production and distribution facilities, but few or no exhibition outlets. Vertical integration made enforcing compliance easier.

Second, the Catholic National Legion of Decency, also founded in 1934, instituted a rating system to advise Catholics on the propriety of films. Ratings ranged from A (morally unobjectionable) to B (morally objectionable in part) to C (condemned), the latter forbidding Catholics to see a film. Studios feared Catholic boycotts if their films did not abide by the norms of the Code. The PCA and the Legion did not always see eye to eye in their evaluation of films, but the threat of boycotts by Catholics or other groups led to a prevalent belief that any film released without a Seal of Approval could not be profitable.

Third, and lastly, Hays instigated a number of changes to increase the effectiveness of the Code. To avoid the pitfalls of its predecessor, the PCA only gave its Seal of Approval to films that abided by the conservative normative standards stipulated in the Code. It could levy a $25,000 fine on any MPPDA member that sold, produced, or distributed a film without a Seal, which members agreed not to do. Producers had to submit screenplays to the PCA board for approval before the studios began production and films for final approval, with the PCA often exacting editorial changes at each step of production. If a studio adapted a literary work considered too sexy for the screen, it had to change the title, edit out the offensive material, and leave out references to the original in advertising. For example, Samuel Goldwyn released Lillian Hellman's Broadway play *The Children's Hour* as *These Three* (1936) and, most importantly, without the play's references to lesbianism.

Although the PCA and the studios managed to keep most of their disagreements to themselves until the 1940s, numerous films sparked considerable debates. The PCA condemned Jane Russell's cleavage in Howard Hughes's *The Outlaw* (1943). Re-released in 1946, *The Outlaw* went on to become a box office success without a PCA Seal of Approval or the blessings of the Legion of Decency and despite being banned in New York City. The Code was open to interpretation since its restrictions were quite general, and when the PCA and filmmakers disagreed, each side often interpreted the Code to its own advantage. When studio executives and the PCA negotiated snippets of dialogue, settings, or editing, the studios' interpretations sometimes prevailed, but more often

the PCA's interpretation prevailed. Studios assigned the responsibility of conforming to or evading Code restrictions to writers, editors, and directors.

Filmmakers frequently worked around the Code by manipulating it. As a result, an unintended consequence of the Code was the institutionalization of ambiguity in the representation of nudity and sex. According to screenwriter Ben Hecht, writing a screenplay was a juggling act that included "censors to be outwitted."[10] As Lea Jacobs has shown, the PCA paid close attention to numerous filmic details, prohibiting scenery that explicitly established a brothel, narrative cues edited to imply adultery, or allusions and double entendres in dialogue to off-screen transgressive sexual practices.[11] Ambiguity aside, under Hays and Breen's leadership the conservative sexual norms embedded in the Code prevailed in popular films until the mid-1940s.

In 1945, Eric Johnston replaced Hays as president of the MPPDA, now renamed the Motion Picture Association of America (MPAA). Johnston, more moderate than Hays, would head the MPAA until his death in 1963. Although Breen still headed the PCA, the PCA relaxed its standards. For example, in David Selznick's *Duel in the Sun* (1946), Pearl Chavez (Jennifer Jones) watches in horror as her father (Herbert Marshall) shoots her mother (Tilly Losch) and the man she has taken to their bedroom. The film makes clear this was hardly the first time Pearl's mother entertained a caller. *Gilda* (1946)—as did numerous *film noirs*—insinuated adultery and homosexuality.

Johnston's appointment coalesced with several developments during the early years of the Cold War that weakened enforcement of the Code. In 1948, the U.S. Supreme Court handed down a ruling that was a serious blow to the industry structure that had secured compliance with the Code. *U.S. v. Paramount Pictures, Inc*. forced MPAA member companies to divest themselves of their theaters; to cease joint ownership of theaters and theater pooling agreements; and to end the practices of clearances and runs, block-booking, formula deals, master agreements, price-fixing, and discrimination between distributors.[12] Besides coming as a tremendous financial blow to MPAA member companies, the decision meant the PCA could not as effectively enforce the Code since MPAA members no longer monopolized first-run theaters and theater chains. Vertical integration would take the Code with it to its grave.

Four years after the *Paramount* decision, the Supreme Court provided the Majors and Minors with another impetus to circumvent the PCA: motion pictures finally received First Amendment protection in *Burstyn*.[13] Joseph Burstyn, a motion picture distributor and exhibitor, screened the Italian import *The Miracle* (*Il Miracolo*; 1948), the story of an unwed young peasant girl, Nanni (Anna Magnani), who is pregnant with a child she believes is a second Christ. Burstyn had his license to exhibit revoked

after the New York Board of Regents (the state's censorship authority) had the film reviewed by a three-judge panel that found it to be "sacrilegious." Burstyn appealed, arguing the statute violated his First Amendment right to freedom of expression. The Court ruled unconstitutional the New York statute authorizing the state censorship board to deny a license to exhibit any film that, in whole or in part, was "obscene, indecent, immoral, inhuman, sacrilegious, or ... of such a character that its exhibition would tend to corrupt morals or incite to crime." The Court determined that films constituted "a significant medium for the communication of ideas."[14] The Court had created a legal opening through which nudity and sex would gradually enter the mainstream of American cinema. By reducing the threat of censorship, it had given filmmakers less reason to comply with the Code. Around the same time, studios received economic incentives to take the Code less seriously.

At United Artists in 1951, New York business executives Robert Benjamin and Arthur Krim took over the film company and brought in independent stars, directors, and producers to make movies. Otto Preminger effectively challenged the power of both the PCA and the National Legion of Decency in *The Moon Is Blue* (1953). The PCA denied the film a Seal and the National Legion of Decency gave it the dreaded "C" rating because the script had contained the words *seduce*, *pregnant*, and *virgin*. United Artists released the film without a Seal believing there was an audience for "mature" films that went beyond the Code. The Kansas State Board of Review banned the film because it found "Sex theme throughout, too frank bedroom dialogue: many sexy words; both dialogue and action have sex as their theme."[15] The United States Supreme Court reversed the decision.

In 1954, Geoffrey Shurlock replaced Joseph Breen as the head of the PCA. Shurlock confronted studios emboldened by liberal courts and greater use of independent directors who resorted less and less to ambiguity and began to challenge the Code more directly. Furthermore, the Majors were losing market share to a new medium. As Americans moved to the suburbs in the 1950s, television quickly overtook Hollywood's position as the largest provider of entertainment in the United States. Theaters began closing. The industry reduced the number of films produced annually from around four hundred to two hundred. They released stars from their contracts and cut back on star-building publicity campaigns. These measures proved insufficient, so the studios tried to regain market share by introducing wide-screen formats to differentiate motion pictures from television.

Because indecency laws for broadcasting were stricter than the Code, studios could also differentiate their product by marketing some films as *mature* or for adults. The Majors adopted the *Adults Only* marketing ploy in the late 1950s and early 1960s, both as a warning and as an

enticement on their lobby posters for mature films. Equating explicit sexual representations with maturity had been a common high culture motif in public discourse, together with the label *sophisticated*. Film reviewers and social commentators consistently ascribed films that emphasized sexual revelations and self-disclosure with such qualities as being *adult, mature, frank,* or *candid*. These qualities were associated with greater realism and perceived links between maturity, tolerance, sophistication, and sexuality. In *Indiscretion of an American Wife* (1953), starring Montgomery Clift and Jennifer Jones, an American woman has an adulterous affair. *Indiscreet* (1958), with Cary Grant and Ingrid Bergman, mocked the injunction against adultery. Saucy comedies like Billy Wilder's *Some Like It Hot* (1959) included cross-dressing and hints of homosexuality.

Hollywood found the material for mature films by buying the rights to bestsellers with relatively explicit treatment of sexual themes. Titles included James Jones's *From Here to Eternity* (1951), which was purchased by Columbia and directed by Fred Zinnemann (1953). Grace Metalious's *Peyton Place* (1956) was brought to the screen by Twentieth Century-Fox (1957). Columbia produced Robert Traver's story of a man who commits murder to avenge a rape, *Anatomy of a Murder* (1958), directed by Otto Preminger (1959). Broadway proved to be a particularly rich vein. The works of Tennessee Williams were especially important for bringing sex into Hollywood film. Williams's plays adapted to the silver screen include *A Streetcar Named Desire* (1951), *The Rose Tattoo* (1955), *Cat on a Hot Tin Roof* (1958), and *Suddenly, Last Summer* (1959).

The studios invariably diluted the Broadway versions for the big screen, but faced with a shrinking market, studios pushed the limits of ambiguity, releasing films only marginally acceptable to the PCA. The introduction of mature themes into film could only occur at the expense of reopening fissures within the industry. The maturity of films increased proportionally to the decline in the effectiveness of the Code. In 1956, the PCA revised the Code to permit other formerly taboo topics: prostitution, abortion, miscegenation, and some mild profanity.

Throughout the decade, films began to treat sexuality more directly, but changes within Hollywood were neither unidirectional nor unimpeded, a development affected by growing market diversification. Studios targeted age-segmented markets. They looked to the youth market since parents tended to stay home and watch television. *A Place in the Sun* (1951), starring Montgomery Clift as George Eastman and Elizabeth Taylor as Angela Vickers, was popular with young audiences. The film skirted on the edges of the Code. Eastman is involved in a love triangle with Vickers before he gets his girlfriend Alice Tripp (Shelley Winters) pregnant. The youth market became even more attractive after the box