# CONTROVERSIAL CINEMA

The Films That Outraged America

Kendall R. Phillips

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PRAEGER

This book is dedicated to a man who took a chance on me many years ago, and that has made all the difference. To Dr. Bob Derryberry—teacher, mentor, and friend.

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# Acknowledgments

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# Introduction

When I was beginning work on this project, I ran across a promotional button with a picture of President George W. Bush's face encircled by the words: "Controversy ... What Controversy?" Across the bottom was the name of the film the button was designed to promote, Michael Moore's *Fahrenheit 9/11.* Released in June 2004, Moore's film unleashed a firestorm of controversy because of its explicit indictment of President Bush, his administration, and their handling of the post-9/11 "war on terror." In Moore's version of events, not only was Bush's presidency illegitimate—Moore insinuates that Vice President Al Gore rightfully won the 2000 election—but its central policy of fighting the war on terror was based largely on fabricated evidence that ultimately served the goal of creating profits for the military-industrial complex. Weaving together poignant personal stories, news footage, humorous staged events—like Moore encouraging members of Congress to have their children enlist—and Moore's own incisive commentary, *Fahrenheit 9/11* was a cinematic assault on the Bush administration, designed with the explicit purpose of influencing the upcoming November election.

In a technical sense, Moore's documentary is a polemic, an argument designed to divide and exacerbate differences in the service of creating an even more intense opposition. But in all fairness, Moore's film is not the first film to cause controversy because of its overt political intentions. The 1976 Alan Pakula film *All the President's Men*, for example, which recounted the Woodward and Bernstein investigation into Watergate, was perceived by many as directly influencing the election in which Governor Jimmy Carter defeated President Gerald Ford.[1] Nor was the reaction to Moore's 2004 cinematic polemic without precedent. As early as 1922, Dr. Ellis Paxon Oberholtzer, a former censor for Pennsylvania, warned, "If the press is a large factor in politics the screen may be a yet greater one. The pen is mightier than

the sword,'' he reasoned, ''but here is the moving picture which has become a good deal mightier, one must conclude, than the pen.''[2] Moore took the political potential of film to its natural end by attempting to make a film that, by his own admission, was designed to influence the 2004 presidential election.[3]

*Fahrenheit 9/11* was not, of course, Moore's first effort at polemic. The documentary filmmaker has consistently courted controversy since his very first film, *Roger & Me*. Released in 1989, *Roger & Me* focused on the economic and social consequences of corporate downsizing through a deeply personal case study of Moore's hometown of Flint, Michigan, which was devastated by layoffs at General Motors. That film was also the target of much criticism, including accusations that Moore's film distorted facts, staged events for effect, and failed to account for opposing viewpoints.[4] His Academy Award–winning 2002 documentary *Bowling for Columbine* was a more diffused critique of America's violent gun culture, but Moore still provoked intense controversy when, during his Oscar acceptance speech, he declared that America was being led by a ''fictitious president'' into a ''war for fictitious reasons.'' Reactions to the speech were widely divided, and with that, Moore had set the stage for the 2004 documentary that would become the most financially successful documentary in history, earning more than $100 million at the domestic box office.[5]

Ultimately, however, Moore's efforts backfired. As much as his *Fahrenheit 9/11* provided a provocative and in many ways insightful critique of the war in Iraq, the controversy it provoked may have done more to motivate conservative support for President Bush than to activate a mass opposition, and Bush won reelection by a narrow margin in 2004. But more directly relevant was the reaction of much of the public to Moore's effort. Dan Bartlett, the White House communications director, called it ''outrageously false,'' and other conservative groups declared it ''nothing more than a two-hour political commercial.''[6] Objections arose not only from officials. A columnist in a Birmingham, Alabama, newspaper labeled Moore a ''muckraking blowhard,'' and a letter-writer in Utah called him ''a propagandist hatchet man.''[7] In his insightful analysis of Moore's film and the ensuing controversy, film historian Robert Brent Toplin observed:

> Millions of viewers greatly appreciated the film and recommended it to others, but a steady stream of negative comments about *Fahrenheit 9/11* made an impact. Many newspaper readers, radio listeners, television viewers, and Internet users began to get the impression that Moore's production was problematic.... They sensed that the controversial motion picture had been discredited in public discussions and should not be praised with enthusiasm in sophisticated company.[8]

''Controversy ... what controversy?'' If there was one overarching misstep in Moore's plan to produce a provocative and influential documentary

aimed at unseating a president, it was his belief that he could control a controversy, even directing it at the targets of his choosing. However, that is not the nature of controversy; it is not what controversies *are* in their essence. While there are numerous instances when a controversy seems manufactured for the sake of creating a smokescreen to divert attention from something else—a notion brilliantly captured in Barry Levinson's *Wag the Dog* (1996)—once provoked, a controversy may wind its way from courtrooms to pulpits and from newspaper headlines to the halls of government. The controversy surrounding Moore's 2004 documentary extended to college campuses—where some administrators feared the legal implications of having Moore deliver a lecture—and to charges that the film violated the McCain–Feingold bill's restrictions on political "issue ads." There were also numerous polemical rebuttals, ranging from the book *Michael Moore Is a Big Fat Stupid White Man* to the film *Michael Moore Hates America*.

At first glance, the intensity and impact of the controversy provoked by Moore's 2004 documentary may seem like some anomaly—driven, perhaps, by the already intense emotions surrounding the 2004 presidential campaigns. But, in many ways, *Fahrenheit 9/11* is one in a long line of films that have become the center of intense and spectacular controversies. Indeed, the history of American cinema is rife with instances in which a film was deemed so shocking, provocative, and dangerous that some felt compelled to express their disapproval in loud and at times quite dramatic ways.

There are numerous examples within recent memory: I recall attending a screening of *The Last Temptation of Christ* during its initial release in 1988. It was a few weeks after the first showings, and I was practically alone. The large throngs of picketers and pamphleteers handing out biblical literature and haranguing those entering the theater had dwindled to a few devoted protestors who called out to the handful of us entering the theater. I recall a woman calling me a sinner and a man shouting out that he would be praying for me. At the time, as a young college student, I dismissed these individuals as religious zealots, hard-core Christian fundamentalists who needed to "get a life." Looking back on it, however, I realize that in many ways my youthful bravado had missed a larger point entirely. Whatever their cause—and I'll confess to still not fully understanding the venomous objections to Martin Scorsese's adaptation of the Nikos Kazantzakis novel—these individuals had chosen to leave their homes and their regular routines to stand in front of a downtown movie theater because, to them, this film was so offensive as to represent a threat that could not go unchallenged. They had mustered whatever courage and capacity was at their disposal to meet this threat. They had chosen to dive headlong into a controversy that was deeply meaningful and vitally important to them.

This book is about the kinds of dangerous films that seem, at least to some, to threaten to leave the confines of the theater and run rampant, eroding some moral pillar of our society. In particular, it is about those films that appear to present such a danger that there are those in society who feel the need, perhaps even obligation, to voice their concerns, to sound the alarm to others. My central focus is on the controversies themselves—the arguments issued in response to a particular film, the political alliances that arose in opposition to or in defense of a particular film, the ways that various communities expressed their outrage, concern, or revulsion at a particular idea or image in a film. This focus leads me to consider not only the sorts of films that provoked these reactions and the means by which these reactions were resolved or satisfied but, most important, the reactions themselves—the ways they were presented, articulated, and transformed by the dynamic environment of a ''live'' and ongoing controversy. In this way, my focus is very much on the ''rhetoric'' of controversy, by which I mean precisely on the kinds of persuasive arguments issued during protracted disputes about particular films or trends within American cinema.

Often, negative responses to films are framed in terms of censorship, and for much of the history of film, and in some regard even today, censorship is one useful and indispensable frame for studying these disputes. When some theater chains refused to exhibit Moore's controversial *Fahrenheit 9/11*, for instance, critics charged that they were infringing on people's First Amendment rights.[9] American cinema's past is deeply marked by the forces of film censorship, to which I turn in the first chapter. But it is erroneous to characterize every negative reaction to a film—even a very vocal negative reaction, as in, for instance, boycotting or picketing—as solely or even mainly an issue of censorship. One of the main problems with thinking about film controversies in this way is that it equates all objections to film with calls for censorship, thus placing them squarely in opposition to the protections of the First Amendment. Certainly, however, the First Amendment rights that we now conceive of as extending to the free expression of ideas within a film also extends to those outside the theater who seek to voice their opposition to it.

In this way, the frame of censorship is too limiting for a broad discussion of films that have provoked vocal and critical responses from various segments of society. While some, perhaps many, of these negative responses in fact may have called for a form of film censorship—whether the traditional governmental intrusion or a looser communal or corporate restriction on a given film—framing these responses *exclusively* in terms of censorship overlooks much of the dynamism and potency of the reactions themselves. Yet, whenever we talk about films that provoked vocal opposition to their exhibition, our initial tendency is to consider the legality of censorship and the sanctity of the First Amendment. This tendency is certainly visible in film studies and histories of film, which are replete with numerous

treatments of censorship, ranging from histories of the Production Code to discussions of the Catholic Legion of Decency to the legal battles over state boards of censorship or ratings codes.

Another way of thinking about provocative films is to focus on the notion of obscenity or offensiveness. Here we might seek out films that were designed with the express purpose of challenging norms of morality and decency. Some pornography fits into this category, but so too do "exploitation" films, like those featured in grindhouse cinemas, as well as any number of independent niche films whose notoriety is based mainly on their power to repel. These kinds of films are interesting and useful, but a focus solely on the movies that were meant to offend once again misses the vital point where that revulsion is stated publicly. While some level of offense is clearly at play when people choose to vocalize their opposition to a film, what is missing in this approach is any sense of that vocalization. To be offended, in other words, is a deeply subjective sentiment. I might be horribly offended by something—a film or some offhand comment—but that does not necessarily mean I will voice my feelings.[10] Focusing on the controversies surrounding films can be more objective because the evidence of a controversy will be part of the public record, and the debates, protests, and responses will become visible to others through various modes of public address.

The central conceit of this book is that there is a vital stage that falls in between the feeling of offense and the legal machinations of censorship—a stage in which those who are offended first articulate that offense to others. This stage is marked by performances of offense and opposition—letters to editors, calls for boycotts, picketing, and so forth—and is often both vociferous and poignant. It is my contention that controversial films are important: They are important in that they serve as a kind of barometer for the deeper cultural pressures surrounding issues of, for instance, sex or race or violence. Moore's *Fahrenheit 9/11*, for instance, did not create the perceived division between conservative "red states" and liberal "blue states," but the controversy surrounding it revealed something about how deeply that division was felt. Such films are important in that it is often these provocative and controversial films that push the creative and political envelope for future generations of both producers and consumers.[11]

The notion of controversy is a useful way of thinking about that vital middle stage between the first feelings of offense and the subsequent efforts at resolving these objections—which at times might involve the mechanisms of censorship. When individuals choose to voice their objections to the world around them, these objections pose the possibility of controversy, the possibility that they will enter into a prolonged dispute with others that will raise sometimes difficult questions and challenges. Once in a while, these protestations draw out others with similar concerns, and soon a community or communities of people begin raising concerns. But interestingly,

while controversies seem remarkably pervasive in our society—over topics ranging from military actions to off-the-cuff remarks by politicians to football rankings to the style choices of celebrities—we rarely talk about what controversies *are*, how they operate, and what they mean to our broader society.

This general neglect for the concept of controversy, in spite of the prevalence of the term in contemporary parlance, may be one of the reasons that, when we seek to understand controversial films, we are prone to jump immediately from offense to censorship while only skimming the middle phase of the controversies themselves.[12] Given the historical consistency and potency of controversial films, however, they cannot be dismissed as merely peculiarly provocative, isolated instances, nor as being only indicative of general cultural trends. Rather, attention to the history of contentious films should reveal the complex interplay between cultural politics, aesthetic tastes, the forces of film production (especially Hollywood), and the unique artistic vision constructed in a given film.

In a similar vein, film historian Francis Couvares argues, ''Works that evoke a strong response from a variety of audiences, that trigger contentious interactions among producers, reformers, politicians, protestors, and boycotters cannot be taken for granted, as either isolated objects of formal analysis, or as generic products of a system, or mere reflections of popular impulses.'' Appreciating the complexity of these controversial films and their concomitant debates requires exploring both the films that provoke controversy and the voices that articulate it. This, in turn, calls for an important pause in that cultural moment between offense and regulation, a pause in the moment of controversy itself.

What I hope to do across the chapters of this volume is to linger in that middle phase, to explore the controversies surrounding certain types of films. I have chosen to approach this exploration by considering controversial films grouped into different categories that seem to offer a reasonably coherent breakdown. My concern here is not to engage every possible controversy or even, for that matter, every possible category of controversial film. *Fahrenheit 9/11*, the example I began this introduction with, is one example of a controversial film, but in the long history of film it is a fairly rare instance of a film designed with the specific purpose of *provoking* a controversy. As such, Moore's film is a useful if atypical example of a film that was designed to instigate a reaction. More common are those films that provoke controversy by stepping, at times inadvertently, too firmly upon some existing cultural fault line—and these are the films that will occupy the majority of my attention here. In this book, I attend to the four categories of films that have most consistently provoked public outcry and debate: films depicting sex, sexuality, and issues of gender; films that depict acts of violence and criminality; films that represent racial and ethnic communities; and finally, films that engage religion or religious topics.

There are, of course, numerous films and film themes that have provoked different types of objections. Movies such as Clint Eastwood's *Million Dollar Baby* raised serious debate related to the representation and rights of people living with disabilities, and Oliver Stone's *JFK* provoked public debate about the historical accuracy of its narrative. While these and many other types of controversial films are worthy of further consideration, my purpose here is to begin an exploration of film controversies, and as such, I have chosen to focus on the four categories that have provoked opposition most consistently throughout the history of American cinema. Thus, while my categories are not comprehensive of all film controversies, I feel confident in asserting that they are among the most consistently contentious.

The other problem with categorization is that inevitably there will be some films that fall across multiple categories. For example, Mel Gibson's *The Passion of the Christ* was enormously controversial, and at first glance that controversy would fall squarely into the ''religious films'' category— indeed, that is the chapter in which I will consider Gibson's passion play. Nevertheless, a good portion of the vocal criticism of the film was aimed at the unrelenting violence in the film. The same concern can be raised for any number of films that incorporate sex and violence, or sex and race, or other combinations. In the pages that follow, there are numerous examples of films that cross the boundaries of my neat categories, and in those instances, I have tried to both make the most reasonable categorization and acknowledge the various complicating intersections.

This seems like a good place to lay out in more detail the approach to controversial films I will use throughout this book. To be clear, my purpose here is not to offer a comprehensive, encyclopedic listing of films that have provoked controversy.[13] Beyond the difficulty in tracking down every film debate, such a treatment of controversial films might lead to a superficial collection of titles and issues. On the other hand, neither is my purpose to focus solely on a series of representative case studies. While I will spend some time on individual films, I hope to connect these films to the longer history of unrest surrounding similar films.

The four categories of controversial films outlined above are defined by major cultural fault lines—sex, violence, race, and religion—and my intent is to trace those fault lines and sketch out the ways these controversial topics have consistently provoked vocal eruptions from parts of the population. In each chapter, I combine a broad historical overview of the arguments provoked by a given topic as a way of establishing the historical context. Subsequently in each chapter, I also focus in greater detail on the specific controversy that embroiled a particular film—for example, the controversy surrounding race in Spike Lee's *Do the Right Thing*. At the heart of this approach is an attempt to understand the dynamic interactions between the film itself and the historical conditions surrounding it that drew it into the center of cultural firestorms of controversy.[14]

Before beginning this extended survey of the various controversies that have erupted around particular films, it is worth pausing briefly over a question that has been begged throughout this introduction, namely, "What is a controversy?" At first glance this might seem a pointless question—the nature of controversies seems obvious. And yet, the term has become so ubiquitous as to make the concept itself close to meaningless. Often the aura of conflict seems to be consciously designed to publicize a film. There can be little doubt that the early controversy over who would distribute *Fahrenheit 9/11*—after Miramax's parent company Disney refused to be part of its distribution—helped generate buzz about the film, and indeed some critics charged that it was a publicity stunt from the beginning.[15] Filmmakers, or more precisely film promoters, have certainly added to the extensive use of the notion of controversy, and in my research for this book, I have been led down many a dead end and false turn by the promotional claims for "the most controversial film of the year!" On these occasions, the claims to controversy and the seemingly provocative subject matter belied the reality that no one, or virtually no one, had ever raised their voice in protest against the film in question. Thus, as suggested earlier, the central feature for the notion of controversy is both that people were offended and, more importantly, that they *articulated* this offense in front of others in such a way as to create a kind of political or cultural spectacle.

What then are the broad parameters for a controversy? While I am loath to define "genuine" controversies versus "artificial" ones, I will suggest some qualities that make something a controversy, qualities that have guided my research into controversial films.[16]

First, controversies occur when people are provoked to leave their usual routines—at least the kind of people who do not make a regular practice of picketing, writing letters to editors, or pamphleteering outside theaters. While it is possible to manufacture an uproar through systematic provocation of groups of people, a genuine controversy requires that people engage it in some meaningful way. For the vast majority of us, of course, picketing a movie theater or writing letters to our local paper's editor to either condemn or defend some film is not on our regular to-do list. So, in looking for examples of controversial cinema, we must search for those instances in which individuals have actively engaged in the process of arguing about and contesting some film.

This sense of controversy as drawing people into the irregular situation of conflict and contestation raises a second issue: What is it that makes people choose to leave their regular routines and engage in public debate? Obviously, the concrete answer to this question is dependent upon the specific situation, but we can posit a general idea that controversies emerge when our basic assumptions about the world—those taken-for-granted assumptions that allow us to move through the world with a sense that things will be regular, understandable, and predictable—are violated. This may

explain why there is often so much energy and anger in the early stages of a controversy. It is not just that some subject, say, child sexuality or graphic violence, is represented in a film, but that for many people there was a deeply held, if unvoiced, assumption that, in the world they live in, such a subject could not possibly be depicted in a film. In the midst of controversy, our orientation to the world is violated, and we are in a very real sense disoriented.[17]

Of course, there are genres and subgenres within film that serve a kind of fetishistic purpose with regard to the kinds of taboo subjects that may provoke controversy. Pornography is an easy example of this, as are ''splatter films'' within the horror genre. While there are certainly moments of controversy surrounding these graphic depictions of, respectively, sex and violence, as long as these genres remain within their cloistered and generally hidden enclaves, there is a kind of social tolerance. For my purposes, I will generally exclude these kinds of films, which may be exceptionally offensive—indeed, far more offensive than anything I'll consider in these pages—and focus instead on those films that emerged within mainstream cinema and in so doing provoked the kind of reactions that mark controversy. In other words, graphic depictions of sexual acts are not particularly controversial if they are contained within the social spaces designated for pornography; it is only when these acts are represented in mainstream theaters as part of mainstream movies that some people may find their sense of the world and of decorum radically disoriented.

Often, the disorienting moments of controversy are resolved fairly quickly, as people turn to some set of authorities to resolve the situation. In terms of film, this was particularly true during periods of extensive external and self-regulation—for instance, the period of the more stringent Production Code Administration (1934–1966) or during the height of local and state censorship boards. Prior to the 1952 *Burstyn v. Wilson* decision—discussed more fully in the first chapter—which effectively began the process of eliminating governmental film censorship, those who were offended, shocked, or discomfited by a given film—or even the mere prospect that such a film might be shown in their neighborhood—had recourse to at least petition some official agency for relief.

In contemporary America, however, there are no such singular authorities through which we can hope to block the exhibition of an offensive film in our area, and citizens are left in a position of having to seek other means to express their outrage and respond to films they perceive as objectionable. Of course, even during the period of ''official'' censorship through state and local boards as well as through the Production Code Administration, there were still film controversies. But it is certainly clear that with the dissolution of the official network of film censorship and control, virtually the only recourse left open to those who find a certain film objectionable and wish to block its showing is to engage in public opposition.

A final aspect of controversy that is especially important in my present exploration is that those engaged in a controversy must *perform* their objections. It is not enough to simply be offended by a film nor even to refuse to see it. To be a controversial film, there must be some individuals who choose to go beyond their inner feelings of outrage or even their own decisions about seeing or not seeing a film and instead choose to vocalize their concerns. This vocalization, of course, can take many forms: petitions to authorities, picketing, letters to editors, boycotts of commercial venues, letters to producers, and so on.

These vocalizations are central to the chapters that follow. Thus, it is not only the issues raised that are important, but in a very real sense it is the rhetoric of the controversy that is of interest. How do people raise objections? How do they respond to others' objections? What is said or written? Examining these questions should provide insight into the parameters of the controversies, and if the notion of controversy sketched above has any validity, then these articulations of objection will suggest the deeper cultural rifts that both motivated and shaped their dynamics. In seeking to understand controversial cinema, we are in effect asking a series of important questions about our cultural sense of the boundaries of normalcy, morality, and decorum. Throughout much of what follows, I attend to the interesting intersections between these vocalized objections and the films that provoked them.

As noted earlier, one of most notable historical effects of objections to particular films was the extensive system of legal censorship that existed in the United States from roughly 1907 to 1968. The apex of this era was the voluntary system employed by Hollywood studios between 1930 and 1968 as a means to mitigate censorship concerns and guide filmmakers in avoiding controversies—the Production Code Administration. Often, perhaps too often, the understanding of controversial cinema has been rendered exclusively within the broader terms of these legal structures that served to police the boundaries of the acceptable within film. My purpose here is to examine the controversies surrounding films without relying too heavily on the question of censorship.

One way I hope to tease out the distinctions and interrelationships between controversial films and film censorship is to focus some attention on controversial films that were produced before the onset of the uniform Production Code or after the end of official legal censorship in 1968. This is not to say that those films appearing within the era of the Production Code were not controversial—or that I will neglect this period—but, rather, what I hope to demonstrate is the interesting parallels and disjunctures between the very early controversies surrounding films and those of our most current era.

Another way to help differentiate between the extensive mechanisms of film censorship and the public outcries that define controversies is by

laying out an initial history of formal censorship that will provide a useful backdrop for the later consideration of the controversies that intermingled with it. Thus, in chapter 1, I offer a brief history of film censorship that should serve as a general primer. Following this brief detour, I return in the next four chapters to considering in greater detail the controversies surrounding films related to sex, violence, race, and religion with the hopes of shedding light on the complex interconnections among film, cultural history, and politics.