THE GOLDEN AGE OF CENSORSHIP: AN ANALYSIS OF MARRIAGE AND SEXUALITY BEFORE AND AFTER THE IMPLEMENTATION OF THE CODE IN 1930S HOLLYWOOD

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ABSTRACT

The Motion Picture Production Code, which was enforced in 1934, drastically altered films by strictly regulating their content. Female characters were particularly susceptible to censorship in appearance, attitude, and behavior. This thesis compares women in 1930s film before and after the enforcement of the Code and questions the role of religion and morality in the shift in female representation. In order to do so, it analyzes MGM and Warner Brothers pre- and post-Code melodramas and explores primary documents from key figures in the Code’s enforcement including the Catholic Church, the film studios, and the Production Code Administration. It highlights two key components of pre-Code films: female sexuality and women’s anxiety towards marriage. In contrast, it finds post-Code films punished female sexuality and dispelled women’s anxiety towards marriage. Church documents as well as the Production Code Administration’s archive indicate the elimination of sexuality and anxiety was an intentional effort by religious activists to reestablish Victorian morality and fortify the sacred institution of marriage.
ACKNOWLEDGMENTS

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I am grateful to Anna Simon at Lauinger Library, Lisette Matano at the Booth Family Center for Special Collections, and Louise Hilton at the Margaret Herrick Library for assisting me throughout the research process and guiding me to the primary sources that shaped my argument.

I would also like to thank the entire American Studies community for being such a wonderful support system and particularly Professor Erika Seamon for teaching me to think critically about our American history and identity.

Finally, this thesis is dedicated to the actresses of 1930s Hollywood who defied, if only for a brief period, all expectations and limitations.
TABLE OF CONTENTS

Introduction .......................................................................................................................... 1

Chapter One ......................................................................................................................... 6
Real American Women: The Cultural and Historical Context of the 1930s

Chapter Two ....................................................................................................................... 14
Origin Story: The Unsuccessful Adoption of the Code

Chapter Three ................................................................................................................... 21
Uncensored: The Women of Pre-Code Hollywood

Chapter Four ...................................................................................................................... 39
Hollywood Reacts: The Successful Enforcement of the Code

Chapter Five ....................................................................................................................... 51

Chapter Six ......................................................................................................................... 68
Explicit to Implicit: The Changes Onscreen

Conclusion ......................................................................................................................... 75

Bibliography ..................................................................................................................... 80
INTRODUCTION

“Though this is still a man’s world, Hollywood is a woman’s town, a modern Amazonia ruled by beautiful and astute women who, from their thrones of glamour unfurl their celluloid standards to the far corners of the earth.”

- Picture Play Magazine, 1934

In the 1930s, actresses dominated Hollywood. Stars such as Norma Shearer, Ruth Chatterton, and Ann Dvorak drew crowds to theaters just by lending their names to the marquees. Yet today their names hold little significance even to those familiar with film. These women’s careers blossomed in a limited series of progressive and often controversial films during the advent of synchronized sound. However, their legacies faded from America’s collective memory with the enforcement of the Motion Picture Production Code in 1934. The Code took many of their early films out of circulation and altered their careers by regulating female characters. Norma Shearer transitioned from Oscar-wining roles to failed prestige pictures, Ruth Chatterton traded the screen for the stage, and Ann Dvorak donned an apron to portray the ideal housewife.

METHODOLOGY

The fate of these forgotten stars led me to question how the Code altered female representation in film. In order to quantify the difference between pre- and post-Code productions, I focused on a prevalent theme in 1930s melodramas: marriage. I set out to

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2 Ibid.
answer the following research question: how did the portrayal of issues surrounding marriage in MGM and Warner Brother’s melodramas of the 1930s elicit and respond to the enforcement of the Motion Picture Production Code?

I focused specifically on MGM and Warner Brothers because they are the two most ideologically different studios among the “Big Five” which also included Fox, Paramount, and RKO. While MGM had a reputation for conservative, high-class productions, Warner Brothers tackled heavy social issues in a grittier tone. By focusing on these diverse perspectives, I attempted to cover the greatest breadth of pictures.

I surveyed the MGM and Warner Brother’s releases from 1930 through 1939 to ensure I had a sampling of films from each studio in both the pre- and post-Code years. I then selected films in which marriage was a central theme. The fifteen films I selected were: The Divorcee (1930), A Free Soul (1931), Strangers May Kiss (1931), Illicit (1931), Three on a Match (1932), Red-Headed Woman (1932), Female (1933), Dinner at Eight (1933), Baby Face (1933), The Girl from Missouri (1934), The Painted Veil (1934), Housewife (1934), Wife vs. Secretary (1936), The Old Maid (1939), and The Women (1939). While my thesis does not analyze all of these films in depth, viewing them in conjunction helped me identify the key trends among pre- and post-Code films that informed my argument.

In addition to watching each film, I conducted outside research to uncover the relationship between the studio and the censors during the film’s production and upon its release. I began by reading background information on Turner Classic Movies’ website which has a profile of each film. I then looked to film reviews published in Variety and The New York Times as well as local newspapers.
Finally, I searched for each film in the Motion Picture Association of America’s Production Code Administration records. These files consist of correspondence between the censors, state boards, and studios with feedback on scripts and completed films. The records allowed me to compare documents from the Studio Relations Committee, the censors of the pre-Code era, and the Production Code Administration, the censors of the post-Code era. These documents highlight how differently the censors operated before and after the enforcement of the Code.

Another crucial archive that informed my research was The Martin J. Quigley Papers in Lauinger Library’s Booth Family Center for Special Collections. Quigley was one of the original authors of the Code and remained closely involved with its enforcement, acting as a liaison between the Catholic Church, the Production Code Administration, and the film industry.

Boxes two and four in the collection contain documents related to the Code including correspondence, articles, pamphlets, and transcripts of speeches from Church leaders across the country. These documents were invaluable in shaping my understanding of the Catholic Church’s role in enforcing the Code through an organization called the Legion of Decency.

While viewing pre- and post-Code films, two things caught my attention. The first was the significant role premarital sex played in many of the storylines. Within these storylines, female virginity or loyalty to one sexual partner was always a source of conflict. While pre-Code films typically accepted women’s deviance from these traditional expectations, post-Code films punished it.
My second observation was the abrupt change in attitudes toward marriage between pre- and post-Code films. In pre-Code films, women expressed anxiety toward marriage that was rooted in their fear that marriage undermines freedom and destroys love. As a result, pre-Code women often delayed marriage and engaged in unconventional relationships. Under the Code, however, this anxiety disappeared. Instead, films portrayed marriage as an integral part of society’s natural order and revered women’s roles as wives.

Pairing my research on the cultural and historical context of the 1930s with my insight into the studios, Production Code Administration, and Legion of Decency, I determined pre-Code women’s attitude toward sex and marriage was representative of their newfound freedom and sexuality. This thesis argues that the Code attempted to reject the “New Woman” and return to the traditional moral order of the Victorian era by punishing female sexuality and denying anxiety towards marriage. While several scholars have explored the shift in female sexuality before and after the Code, I have not come across any work that charts women’s anxiety toward marriage.

LITERATURE REVIEW

The enforcement of the Motion Picture Production Code is an infamous moment in American film history that changed the trajectory of the film industry. Therefore, it is a popular topic of study for film scholars and enthusiasts who have written much about the Code and its era of dominance.

Many scholars provide broad overviews of the Code with a particular focus on the historical context and societal pressure that brought about the Code’s enforcement. Author Thomas Doherty provides particular insight into the years between the Code’s
initial drafting and its enforcement in his book *Pre-Code Hollywood*. Doherty begins in the 1920s and details the factors that led the industry to willingly self-censor itself, such as the onset of the Great Depression, the threat of radio, and the moral aftermath of the 1920s. However, Doherty dedicates only a few pages to Hollywood after the Code. In the book *Hollywood Censored*, author Gregory Black provides a similar survey of the forces behind the Code with particular attention to the role of Legion of Decency and the Catholic Church. However, his writing does extend into the post-Code era. The strength of both these sources is their extensive use of original documents from the Production Code Administration and the studios.

There are scholars who take a narrower approach and look specifically at the role of women within pre- and post-Code films. In *Complicated Women*, Mick LaSalle explores female characters in pre-Code films while in *The Wages of Sin*, Lea Jacobs uses six films from the 1930s to explore the trope of the “fallen woman.” Unlike my own research, these books do not concentrate solely on premarital sex and marriage, although they do reference their importance.

Other relevant texts focus on key players within pre- and post-Code Hollywood, particularly the censors who interpreted and enforced the Code. Again, Thomas Doherty is an important source with his book *Hollywood's Censor: Joseph I. Breen and the Production Code Administration*. This text charts the life and career of Breen, who headed the Production Code Administration (PCA) for twenty years. While Will Hays’ name has been forever linked to the Code, it was Breen who made the day-to-day decisions that shaped post-Code films. One of Breen’s censors within the PCA, Jack Vizzard, provides an important primary account of the Code era in his memoir *See No
Evil: Life Inside a Hollywood Censor. Through colorful anecdotes Vizzard paints a vivid picture of daily life within the PCA from 1944 until the Code’s demise in the 1960s. He also candidly reflects on the PCA’s larger cultural significance.

While each of these texts overlap with a component of my thesis, none focus on premarital-sex and marriage in both pre- and post-Code films. Anxiety toward marriage is such a consistent presence in pre-Code films that its disappearance after 1934 is jarring. The lack of scholarship around this contrast warrants exploration.

In this thesis, I will probe the history of the Code by looking to the real women of the 1930s. I will demonstrate how Hollywood honored these women in the pre-Code years and then pushed back against them beginning in 1934. I will use the films and figures that populated the screen throughout the tumultuous decade to tell this story.

CHAPTER ONE
REAL AMERICAN WOMEN: THE CULTURAL AND HISTORICAL CONTEXT OF THE 1930S

The tension between pre- and post-Code representations of women in film begs the questions what were real women like in the 1930s and what made them threatening enough to censor? In order to understand what characterized women of the 1930s, it is important to consider how women’s attitudes changed between the turn of the century and the end of the Depression, particularly with regard to sex, marriage, and female independence.

In 1910, American society emerged from the Victorian era with the radical idea that women experienced sexual pleasure. From 1830 until this time, Victorian values

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3 Kevin White, Sexual Liberation or Sexual License?: The American Revolt against Victorianism (Chicago: Ivan R. Dee, 2000), 28.
considered sex taboo. These values created a culture of sexual repression in which men were expected to control their “primitive” instincts.⁴ Women, on the other hand, were venerated as being above such sexual impulses and instead subscribed to the “cult of true womanhood” which characterized them as “pious, pure, domesticated, and submissive.”⁵ The turn of the century began to dismantle this way of thinking as the notion of equality between the sexes became more widely acknowledged and women discovered newfound freedom.⁶

THE ROARING TWENTIES

By the 1920s, the so-called “New Woman” had emerged. The term referenced the increased economic and political status of woman as well as a change in attitude and behavior that marked progress in gender equality.⁷ The ratification of the 19th Amendment in 1920 was just the beginning of a decade of newfound power, independence, and freedom for women. Over the course of the next ten years, increasing numbers of women received higher education and entered the workforce.⁸ Women moved to cities, learned to drive, and spent their free time in dance halls or at the movies.⁹ They adopted “masculine” habits such as drinking, smoking, and swearing.¹⁰ Flappers—

⁴ White, 6.
⁵ Ibid., 7.
⁶ Ibid., 28.
⁹ White, 74.
¹⁰ Ibid.
typically single young women between the ages of fifteen and twenty-five—reflected their newfound independence in their appearance. They bobbed their hair and shortened their hemlines as a physical reflection of their changing attitudes.\textsuperscript{11}

In the 1920s, the younger generation provoked cultural change by rejecting traditional values. This was particularly true with regard to dating, sex, and marriage. While courtship in the Victorian era was considered a serious step towards marriage, dating in the 1920s was viewed as casual fun that could take years to evolve into a serious commitment.\textsuperscript{12} Gone were the days of courting a girl in the presence of a chaperone. Instead, the prevalence of cars allowed couples to escape the watchful eyes of their parents.\textsuperscript{13} Dating moved to movie theaters, dance halls, amusement parks, and other venues.\textsuperscript{14} Given the casual nature of relationships and lack of supervision, it is not surprising strict cultural norms discouraging premarital sex also began to give way.

This rise in premarital sex dates back to World War I. During the war, young people realized life was short. When faced with the uncertainty of whether they or their loved one would survive, societal standards no longer held such credence.\textsuperscript{15} Unfortunately, many young couples were not reunited. The author and film critic Mick LaSalle explains that following the war, “Women had lost their sweethearts and husbands . . . Other women imagined that the one man meant for them had been killed. In the

\begin{itemize}
\item[12] White, 76.
\item[13] Ibid.
\item[14] Ibid., 74.
\item[15] Ibid., 53.
\end{itemize}
aftermath of death and carnage, kissing and necking, and sometimes going past that no longer seemed unpardonable.”

While ninety percent of women born in the Victorian era, before 1890, maintained their virginity until marriage, women coming of age in the 1900s did not subscribe to this same societal standard. The percentage of women who saved themselves for marriage decreased from seventy-four percent of women born in the 1890s, to fifty-one percent born in the 1900s, and only thirty-two percent born in the 1910s. Not surprisingly, the greatest generational increase was among the last group of women who came of age in the 1920s.

In the 1920s, the social psychologist Theodore Newcomb looked to changing attitudes among young people to explain this change. He noted, “It is expected by both boys and girls that men should prefer virginity in girls, but do not insist . . . Boys do not expect nor particularly want the Victorian concept of purity in the girl they marry. It is right and decent to have intimate relations with the person you love…” However, Newcomb warned, “You mustn't be promiscuous—that’s cheap and vulgar.”

Another factor in the increase in premarital sex during the 1920s was the availability of birth control. By World War I, birth control and information regarding its

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16 LaSalle, 18.
17 White, 41.
18 Ibid.
19 LaSalle, 18.
20 White, 77.
21 Ibid.
use was legal in most states. By the 1920s, most Americans had access to “diaphragms, spermicidal jellies, and pessaries.”

As dating and premarital sex changed, so did marriage. The divorce rate rose as the birth rate dropped. In the 1920s, the divorce rate was seven times that of the 1880s and by 1928 one in six marriages resulted in divorce. At this time Reno, Nevada emerged as the site for an easy end to marriage. Because city residents were instantly granted divorces, people relocated to Reno for the six-week period required to gain residency. The 1939 MGM film, The Women, dramatized this process by depicting Norma Shearer and several of her friends relocating to Reno to file their divorces.

Not only were marriages failing, but increasing numbers of women were postponing marriage as they pursued higher education and focused on their careers. By 1930, 481,000 women were attending college in the U.S. They comprised 43.7 percent of all college students. Many college-educated women entered the work force, primarily in clerical positions. However, some women broke into male dominated fields such as

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22 White, 92.

23 LaSalle, 5.

24 Freedman, 380-381.

25 White, 80.

26 Ibid.

27 Dorothy M. Brown, Setting a Course: American Women in the 1920s (Boston: Twayne, 1987), 133.

28 Ibid.

29 LaSalle, 16.
medicine and law. In 1920, women comprised 23.6 percent of the work force. By the end of the decade that number had risen to 27 percent of the work force.

Many conservative, traditional members of society were unhappy with the departure from Victorian morality. They viewed female empowerment through education and employment as a threat to what they considered the two fundamental pillars of American society: marriage and family. From their perspective, the increase in premarital sex, widespread availability of birth control, decreasing rates of childbirth, and higher levels of divorce were evidence of society’s moral unraveling. Consequently, Catholic activists conceived the Code in 1929 as a means to project onscreen the morality they sought to revitalize.

THE GREAT DEPRESSION

The 1920s came to a close with the stock market crash in October of 1929 that triggered the Great Depression. The crash not only had major economic and political implications, it also significantly impacted values and morality. In his memoir, Jack Vizzard writes, “With the crash, the party was over. In the littered debris of confetti and tickertape, an enormous sense of guilt set in . . . In a mood of sobriety, a chastened citizenry reacted against those symbols of its great debauch and began to punish them.”

Americans had indulged in the excess of the 1920s and, for some, the Great Depression seemed to be retribution. Religious activists, who were pushing for the Code,

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30 Brown, 154-158.
31 Ibid., 77.
32 Ibid., 81.
took advantage of this vulnerable moment. Joseph Breen’s secretary, Olga J. Martin, explained, “The public itself wanted to forget its own derelictions of the 'gay twenties.' The stage was set for the moral crusade.”

In this time of fear and uncertainty, the Code offered a welcome source of moral guidance and stability. In this time of fear and uncertainty, the Code offered a welcome source of moral guidance and stability.

However, by the time the Code was enforced in July of 1934, the country was getting back on its feet. President Roosevelt had launched the New Deal the previous year and the program’s progress returned a sense of stability to the nation. With the initial panic receding, America’s youth resumed what Kevin White refers to as the “social revolution in manners and morals.” In fact, the crisis actually intensified the “mood of recklessness” visible in the previous decade because the uncertainty of the Depression encouraged people to live in the “here and now.”

As a result, in the 1930s, the new cultural trends surrounding premarital sex, birth control, and marriage were fortified. In 1937, Fortune Magazine released an article about college students in which they reported half of men and a quarter of women engaged in premarital sex. However, it is important to note the double standard between male and female sexuality was very much in place. Kevin White writes there was still an expectation of “reasonable restraint on the part of the [women] before marriage” which

35 White, 88.
36 Ibid., 83.
37 Ibid., 95.
38 Ibid., 83.
39 Ibid., 95.
did not apply to the men.\textsuperscript{40} In fact, most of the women surveyed reported their sexual partner was their fiancé.\textsuperscript{41} However, even if it was to a lesser degree than men, women were certainly engaging in premarital sex.

In 1930, the court legalized the distribution of sex education information, providing young people with increased information.\textsuperscript{42} Between 1930 and 1938, the number of birth control clinics in the U.S. increased from fifty-five to five hundred;\textsuperscript{43} Eventually, even the Sears Roebuck catalog sold birth control.\textsuperscript{44} The national opinion reflected these changes. A 1936 Gallup Poll found sixty-three percent of Americans were in favor of birth control.\textsuperscript{45}

Further, marriage rates continued to drop from the 1920s. Between 1929 and 1932, the marriage rate per thousand people decreased from 10.14 to 7.87.\textsuperscript{46} Consequently, the percentage of single women in the U.S. increased thirty percent between 1930 and 1935.\textsuperscript{47} Some hesitancy to marry can be attributed to the economic conditions. Many couples could not afford a wedding and felt financially unable to provide for a family.\textsuperscript{48} By the end of the decade, an estimated million and a half people

\textsuperscript{40} White, 95.
\textsuperscript{41} Ibid.
\textsuperscript{42} Ibid., 50.
\textsuperscript{43} Ibid., 92.
\textsuperscript{44} Ibid.
\textsuperscript{45} Ibid.
\textsuperscript{46} Ibid., 89.
\textsuperscript{47} Ibid.
\textsuperscript{48} Ibid.
delayed getting married. Conversely, divorce rates dropped during the depths of the Depression because couples relied on each other for financial and moral support. 

These numbers indicate that women of the thirties carried on the legacy of the flappers. They were accustomed to independence, in touch with their sexuality, and less dependent on marriage. While real women grew increasingly progressive throughout the decade, their screen equivalents were stunted in 1934 by the enforcement of the Code. As a result, female characters did not realistically portray the women they represented.

CHAPTER TWO
ORIGIN STORY: THE UNSUCCESSFUL ADOPTION OF THE CODE

Since its advent, film has always been accompanied by some form of censorship in an effort to regulate the morality promoted onscreen. Beginning in the 1890s, each community had its own censor to oversee the content of films. Such censorship was permitted by the 1915 Supreme Court case, Mutual Film Commission vs. Industrial Commission of Ohio. In this case the Supreme Court ruled film was not protected under the first Amendment because “motion pictures are business rather than art.” As a result, by the 1920s, there were censorship boards on a municipal and state level.

States that did not have their own censorship board adopted the decisions made by neighboring states. For example, Massachusetts’s board made decisions on behalf of

49 White, 89.

50 Ibid., 93.

51 Lorraine LoBianco, “Illicit (1931),” TCM Movie Database.

52 Mutual Film Corp. v. Industrial Commission of Ohio, 236 U.S. 230 (1915).

53 Vizard, 37.
Rhode Island, Vermont, and New Hampshire.\textsuperscript{54} Each censorship board reviewed films before they were exhibited and cut dialogue or entire scenes they deemed inappropriate. This resulted in narrative gaps and crude cuts that interrupted the audience’s viewing experience and lowered the quality of the film.\textsuperscript{55}

**WILL HAYS AND THE MPPDA**

In the early 1920s, a series of scandals regarding actors’ and directors’ personal lives painted the movie industry in a bad light.\textsuperscript{56} Consequently, in 1922 the major studios created the Motion Picture Producers and Distributors of America (MPPDA) to represent the industry’s interests.\textsuperscript{57} They selected Will H. Hays as President of the organization. Hays’s credentials as a former Postmaster General under President Harding and a devout Presbyterian lent credibility and respectability to the MPPDA.\textsuperscript{58}

While the MPPDA had many departments, including public and foreign relations, its focus was film censorship.\textsuperscript{59} The organization portrayed its role reviewing film content as a helpful gesture to prevent more damaging cuts from censorship boards. However, the MPPDA also sought to improve the film industry’s reputation and avoid scrutiny from vocal reform groups. As a result, in 1927, it released a list of “Don’ts and

\begin{itemize}
\item[\textsuperscript{55}] Ibid.
\item[\textsuperscript{56}] Doherty, *Pre-Code Hollywood*, 6.
\item[\textsuperscript{57}] Ibid.
\item[\textsuperscript{58}] Ibid.
\item[\textsuperscript{59}] Jacobs, 27.
\end{itemize}
Be Carefuls,” topics to avoid or handle with care in films. This list was an important precursor to the Code.

The Code was written in the fall of 1929 by three prominent Catholics: Father Daniel Lord, Father FitzGeorge Dineen, and Martin Quigley. Lord and Dineen were both well-known priests. Dineen, who was based in Chicago, consulted on the city’s strict censorship board. Martin Quigley, on the other hand, was the publisher of the film trade journal *The Motion Picture Herald* and the only layman among the group.

When the Code was drafted, there were powerful voices advocating for federal film censorship. These voices included newspaper publisher William Randolph Hearst and Iowa Senator Smith W. Brookhart. The Senator went so far as to propose a bill that would have placed films under the control of the Federal Trade Commission. The film industry was also under severe scrutiny by the Catholic and Protestant churches.

Hays later recalled his reaction when Martin Quigley presented the Code to him. “My eyes nearly popped out when I read it. This was the very thing I had been looking for.” Hays pledged the MPPDA’s support and assumed the responsibility of passing and enforcing the Code. Hays, Quigley, and Lord successfully met with representatives

60 Jacobs, 28.
62 LaSalle, 65.
63 Ibid.
64 Ibid.
66 Ibid.
from each of the five major studios to convince them of the importance of self-censorship. On February 17, 1930 all the major studios agreed to adopt the Code. It officially went into effect March 31, 1930.

With the adoption of the Code, Hays expanded the role of the MPPDA by creating the Studio Relations Committee. Jason Joy and later James Wingate led the Committee of five to six men. Their objective was to help the studios bypass censorship boards. The men reviewed both completed and potential projects to point out elements that were likely to garner objections. By 1931, studios were required to submit their scripts to the Committee during pre-production.

THE CODE’S MORALITY

By regulating what was shown onscreen, the creators and enforcers of the Code hoped to eliminate material that could corrupt audiences. The Catholic Church in particular agonized over the influence film had on children, the lower class, and women. These groups constituted a large portion of moviegoers and were considered particularly impressionable. Therefore, the Code mandated, “No picture shall be produced which

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67 Lynn, 363.

68 Speech by Martin Quigley, box 4, folder 35, Martin J. Quigley Papers, Georgetown University Lauinger Library, Washington, DC.

69 Jacobs, 27.

70 LaSalle, 63.

71 Jacobs, 28.

72 Gilbert, 2.
will lower the moral standards of those who see it. Hence the sympathy of the audience shall never be thrown to the side of crime, wrong-doing, evil or sin.”73

As a major cultural influence, film had the ability to either lower or strengthen moral standards. Thus, by altering film content, the creators and enforcers of the Code sought to promote traditional moral ideals among impressionable audience members. As a result, the film censor Jack Vizzard maintains the Code was more than a set of written guidelines, “It was a value system.”74

The Code targeted two primary forms of vice: violence and sex. Sex comprised the longest section of the Code. Within that section, the Code specified that “pictures shall not infer that low forms of sex relationship are the accepted or common thing” and noted adultery “must not be explicitly treated, or justified, or presented attractively.” Most importantly, the Code mandated, “The sanctity of the institution of marriage and the home shall be upheld.”75 In light of changing relationship norms, the Code’s effort to combat premarital sex and uphold the sanctity of marriage highlights its effort to reverse the cultural shift occurring among a new generation of women.

While the wording of the Code remained gender neutral, the guidelines exercised a disproportionate amount of control over female characters.76 In a letter from Jason Joy to Harry Cohn of Columbia Pictures it is painfully clear that the censors’ primary concern was controlling female representation in film. In the letter Joy writes, ”The important thing is to leave the audience with the definite conclusion that immorality is not

73 The Motion Picture Production Code, 1930.
74 Vizzard, 14.
75 The Motion Picture Production Code.
76 Gilbert, 48.
justifiable, that society is not wrong in demanding certain standards of its women, and that the guilty woman, through realization of her error, does not tempt other women in the audience to follow her course.”77 By maintaining strict control over the female image onscreen, the Code intended to influence societal standards for female behavior off-screen.

Despite signing off on the Code to appease critics, the major studios had no intention of abiding by its strict guidelines. As Jack Vizzard explains, “Everybody in the business of making pictures was resolute in his determination that the Code should be upheld—by the other guy.”78 When it became clear the rest of Hollywood was ignoring the Code, there was no motivation for any single studio to make a concerted effort to alter their standard operations.

THE STUDIO RELATIONS COMMITTEE

Because the Studio Relations Committee did not have the infrastructure to enforce the Code on its resistant signatories, there were no repercussions. The Committee could not reject films or force them to remove any content.79 If they did, the studio could appeal to a jury consisting of other producers who were sure to overrule the Studio Relations Committee’s decision.80 Thus, the Committee’s suggestions went largely ignored until studios ran into trouble with censor boards.

77 Jacobs, 3.

78 Vizzard, 39.

79 LaSalle, 63.

80 Jacobs, 19.
This was the case with the 1932 Warner Brother’s film *Three on a Match*. During production, Jason Joy warned the Warner Brother’s executive, Darryl Zanuck, that the film was unlikely to be approved because it featured the kidnapping of a child, which evoked memories of the tragic kidnapping of the Lindbergh baby.  

*81* Zanuck ignored Joy’s warning until he met resistance from the New York state censor board. Zanuck then wrote to Joy asking him to “put in a plug” with New York and other boards.  

*82* He insisted, “This picture is going to be a box-office knockout and if we get by without much censorable grief from it, I am certain it will not do any damage at all.”  

Joy went on to advocate for the film in Pennsylvania, Maryland, and Ohio by sending a PCA member to personally meet with the board of each state.  

*84* As a result, *Three on a Match* was released nationwide with little to no deletions.  

Studios that did not require Studio Relations Committee support to pass censorship boards interacted with the organization as mere formality. During the production of the 1931 MGM film, *A Free Soul*, Joy reported he had convinced the studio to make certain changes.  

*86* Yet the final film was still released with all the questionable scenes intact, indicating he had less control over the film than he admitted. Upon viewing

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83 Ibid.

84 *Three on a Match* file.

85 Ibid.

the film, Jack Warner, President of MGM’s rival—Warner Brothers, remarked, *A Free Soul* “shows you how to avoid censorship” while still including “undesirable affiliations between man and woman in pictures.”

As a result of the meager oversight of the Studio Relations Committee, films ironically became increasingly provocative following the initial adoption of the Code. Between 1932 and 1933, *Variety* reported, “352 of 440 pictures possessed 'some sex slant' with 145 having 'questionable sequences' and 44 being 'critically sexual' at feature length.” This period of overt sexuality, between 1930 and 1934, is misleadingly referred to as the pre-Code years even though the Code was, in fact, in place. It was merely in a dormant state waiting to be enforced.

**CHAPTER THREE**
**UNCENSORED: THE WOMEN OF PRE-CODE HOLLYWOOD**

In 1927, Warner Brothers released the first “talkie,” *The Jazz Singer*. Within three years, the major studios had all converted their productions to synchronized sound. This new technology revolutionized the industry with major implications for both film production and film content.

From a production standpoint, sound was a costly innovation during a time of economic strain. Its introduction coincided with both the stock market crash and the growing popularity of radio as an alternate form of entertainment. During the

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89 Ibid., 32.
90 Ibid., 16.
Depression, weekly film attendance was cut in half and revenue decreased anywhere from ten to thirty-five percent. 91 While studios struggled at the box office, they had to invest in expensive new equipment in order to keep up with the transition to sound.92 Further, by the early 1930s, half of Americans owned a radio, which provided affordable entertainment within the comfort of their homes.93 Film struggled to compete with radio while refining its use of dialogue and the new style of acting that accompanied it.94

Sound technology may have strained the studios but it enlivened the films they were producing. Sound allowed films to express more complex stories and tap into the zeitgeist in a way that was impossible during the silent era. Consider MGM’s 1930 film, *The Divorcee*.

**NORMA SHEARER BLAZES A TRAIL**

*The Divorcee* was one of MGM’s early “talkies” and one of the first films to defy the initial Code. It established the themes that the studio’s melodramas would explore in the pre-Code era: sex and marriage. Upon its release April 19, 1930 *The Divorcee* was hailed as “the most important talkie production in which Norma Shearer has been seen to date.”95 Norma Shearer was one of MGM’s biggest stars. She also happened to be

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92 Ibid., 17.

93 Ibid., 34.

94 Ibid., 32.

married to Irving Thalberg, MGM’s prolific producer, although her stardom predated their relationship. 96

Up until this point, Shearer had maintained a very innocent persona onscreen. In fact, Thalberg was hesitant to cast her as the star of The Divorcee because he did not believe she was cut out for such a seductive role. As the anecdote goes, in an effort to prove her husband wrong, Shearer had a series of glamorous portraits taken by the photographer George Hurrell. When she presented the photographs to Thalberg over breakfast, they were so stunning he could not deny her the role. Shearer was cast as Jerry and Hurrell was hired as MGM’s portrait photographer.97

The Divorcee was based on the racy and immensely popular novel, Ex Wife, written by Ursula Parrot.98 The Studio Relations Committee was opposed to MGM adapting the novel due to the mature subject matter, so MGM changed the film’s title to The Divorcee to appease the censors.99 However, MGM continued to market the film as an adaptation of Ex Wife in order to capitalize on the novel’s reputation.

In the film, Jerry (Shearer) discovers that her husband, Ted, has had an affair. In response, Jerry has a one-night-stand with Ted’s best friend. She immediately regrets her decision and confesses to her husband that she “balanced [their] accounts.”100 However, when Ted holds Jerry to a double standard, claiming his affair meant nothing while hers is unforgiveable, the couple calls it quits.

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97 Lasalle, 67-68.
98 Frank Miller, “The Divorcee (1930),” TCM Movie Database.
99 Ibid.
100 The Divorcee, directed by Robert Z. Leonard (MGM, 1930), DVD.
Jerry proceeds to date around and even rekindles a romance with a former boyfriend. However, she never finds happiness while single and ultimately realizes that she gave up on her marriage too quickly. She seeks out her ex-husband and the two reconcile.

In *The Divorcee*, Shearer defied expectations of women onscreen and set a precedent for the strong female heroines to come in the pre-Code years. She presented a modern woman who questioned society’s double standards for male and female sexuality. She also brought to the forefront questions of independence and equality within marriage.

Jerry demands respect from the moment she is introduced; even her masculine name connotes she is equal to any man. In the opening scene, when Ted suggests the couple wait to get married, Jerry tells him, “I have no intention of waiting around for three or four years while you harvest an additional crop of wild oats.” Ted is surprised by Jerry’s directness to which she responds, “Isn’t that the way we’re going to be, straight from the shoulder and open?” Ted can’t disagree. He tells Jerry, “You’re a great girl and you’ve got a man’s point of view. That’s why we’re going to make a go of it. Everything equal.” To which Jerry jokes, “You got it, 75/25.”

While the couple’s conversation is lighthearted, Jerry sets an important ground rule for their marriage: that Ted respect her as his equal. Ted is amused by her attitude, which he characterizes as manly. While he agrees to Jerry’s terms upon their engagement, he fails to follow through three years later when their marriage is tested.

Despite claiming his affair “meant nothing,” Ted refuses to apply the same logic to Jerry’s infidelity. In the print ads for the film, MGM posed the question, “If the world
permits the husband to philander, why not the wife?”  

Jerry asks this same question when Ted threatens to leave her.

During their confrontation, Ted insists Jerry made a fool of him and he cannot forgive her knowing she slept with someone else. Jerry, however, points out his hypocrisy asking, “Couldn’t I have said that the day you asked me to marry you?” She reminds Ted “he was her first love” while he had many women in his past. While put delicately, Jerry’s statement reveals she was a virgin upon marrying Ted although he was not. As a woman, she is expected to remain faithful to one man and one man alone from the time she becomes sexually active. By straying from Ted she has rejected this societal standard and given him grounds to leave her. Yet, when the situation was reversed, Jerry was expected to tolerate Ted’s affair. Jerry will not stand for these double standards. She tells Ted to pack his “man’s pride” with the rest of his things because “from now on you’re the only man in the world my door is closed to.”

Jerry’s reaction reflects the change in attitude among women of the 1930s who were rejecting the limitations that had previously been placed on female sexuality. The Divorcee dismantled the old moral order by presenting a woman whose worth was not tied to her virginity or lack thereof. In fact, Jerry is difficult to characterize in terms of the typical female archetypes of classical Hollywood. She is neither a virtuous wife nor a fallen woman. Instead, Jerry blurs the lines between devoted and unfaithful, virtuous and sexually liberated. She makes mistakes and exposes her flaws, yet she is still the female

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101 Quoted in Complicated Women, 69.
hero. Jerry’s characterization as the hero despite her sexual deviance demonstrates an alternative understanding of what it meant to be “good” in the pre-Code era.\textsuperscript{102}

*The Divorcee* reinforces this message to the very end. It is easy to write off Jerry and Ted’s reconciliation as a “false happy ending,” a resolution tacked on to appease the studio and the censors.\textsuperscript{103} However, their reunion has important implications for the expectations placed on women. In the final scene, Ted admits he was wrong to give up on their marriage and, despite the reputation Jerry has acquired since her divorce, declares he would do anything for a second chance with her. Thus, the couple’s reconciliation demonstrates Jerry’s romantic escapades have no impact on her self-worth, a direct contradiction to the value system later instated by the Code.

Norma Shearer’s portrayal of Jerry in *The Divorcee* was a breakthrough in her personal career, earning her the Academy Award for best actress, as well as a breakthrough for female representation onscreen. *The Divorcee* paved the way for pre-Code films, inspiring a succession of strong, sexually liberated female characters who embodied modern attitudes of the 1930s.

Norma Shearer’s place in this new vanguard was confirmed when Father Lord published an article directed at Catholic youth in which he stated, “We advise strong guard over all pictures which feature Norma Shearer. They are doing more than almost any other type of picture to undermine the moral code and the Producer’s code.”\textsuperscript{104} Just look at the two pre-Code classics Shearer released the following year, *Strangers May*

\textsuperscript{102}LaSalle, 8.


\textsuperscript{104}LaSalle, 199.
Kiss and A Free Soul. In both, Shearer plays bold, independent women who are reluctant to settle down as wives.

In Strangers May Kiss, Lisbeth (Shearer), carries on a casual romance with a foreign correspondent, Alan, without any intention of getting married. Meanwhile, she repeatedly rejects marriage proposals from her longtime admirer, Steve. Against the advice of her friends and family, Lisbeth runs off to Mexico with Alan. Just as they feared, Alan reveals he has a wife in Paris and quickly moves on to his next assignment.

Devastated, Lisbeth travels to Europe where she spends two years with various men. In this time Alan divorces his wife and comes to Europe in search of Lisbeth. However, when he discovers her reputation among the Europeans, he harshly rejects her once more. Lisbeth returns to New York only to have Alan follow her and apologize for his actions. Unsurprisingly, the couple reunites in the end.

Strangers May Kiss follows a similar formula to The Divorcee, which is unsurprising considering it is based on a book by the same author, Ursula Parrot. In both stories Norma Shearer’s character leaves the man, explores her sexuality, and eventually takes him back after he apologizes for his wrongdoing and embraces her modern attitude.

A Free Soul diverged from this structure while reinforcing the same theme of female independence. The film tells the story of Jan (Shearer), a young woman who has been raised by her father, a prominent defense attorney. While Jan is engaged to a well-known polo player, Dwight, she falls for Ace, the gangster her father is defending. Jan abandons Dwight and begins a thrilling romance with Ace. However, Ace soon becomes aggressive and threatens Jan in an attempt to force her into marriage.
When Dwight discovers Jan’s predicament, he shoots Ace and turns himself in. At Dwight’s trial Jan takes the stand to defend him. In doing so she jeopardizes her reputation by publicly admitting her premarital relationship with Ace.

As with Shearer’s prior starring vehicle, *Strangers May Kiss* and *A Free Soul* did not shy away from tackling issues such as premarital sex and illicit relationships. However, the films were not exploiting sex for the sake of sensationalism, as some critics suggested. They were employing it to present a cultural commentary on the new age of freedom and the changes it incurred to the moral order.

The poster for *A Free Soul* declared, “She was born in an age of freedom! Who would blame her for seeking the sweet fruits of living?” Indeed both Jan and Lisbeth tested their freedom, as many women of the twenties and thirties did, through casual dating and premarital sex. To its credit, MGM was very open about the nature of their relationships.

In *Life Magazine*’s review for *Strangers May Kiss*, Harry Evans warned audiences, “*Strangers May Kiss* is frankly about sex—make up your minds to that and keep your kids home unless you know how to apply all the ‘Birds and Bees’ answers to movie situations on short notice.”¹⁰⁵ Lisbeth very candidly admits she lost her virginity to Alan when she tells him, “There were no shadows on the wall when we met. I’d saved myself for the man I loved.”¹⁰⁶ After Alan leaves her, Lisbeth traverses Europe with an assortment of men garnering the reputation that she “changes her men with her lingerie.”

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¹⁰⁵ Harry Evans, review of *Strangers May Kiss*, *Life*, May 01, 1931.

¹⁰⁶ *Strangers May Kiss*, directed by George Fitzmaurice (MGM, 1931), DVD.
In *A Free Soul*, Jan frequents Ace’s apartment late at night wearing little more than a negligee. If the insinuation of her costume is not enough, Ace bluntly tells Dwight, “She tossed all her ritz overboard months ago. She came to my place and she stayed there you get that. She’s mine. She belongs to me. I’ll spread the news so high, wise, and handsome you don’t dare marry her.” Jan herself then testifies before the jury that for several months she “stayed” at Ace’s place.

Both Lisbeth and Jan are harshly judged for their behavior, yet they stand by their actions. When Alan calls Lisbeth “cheap, contemptible, promiscuous” after discovering her reputation in Europe, Lisbeth is quick to tell him she owed him nothing after he left her in Mexico with no indication she would ever see him again. She declares, “I once held out my very heart to you. But you liked your freedom best. You wanted it for yourself so you let me have mine too. And now because you don’t like what I’ve done with it you’ll kick me right back in the gutter where you think I belong. You men are proud, arrogant, creatures.”

When Jan’s father discovers her in Ace’s apartment he uses nearly the same language telling her, “Why you’re nothing but a cheap, common, contemptible…” Jan slaps him before he can finish his rebuke. She then reminds him “I’m doing what you’ve taught me to do. Live my own life. If I fall and get hurt, why, I’ll pick myself up again.”

In these confrontations, Lisbeth and Jan refuse to be shamed for the choices they have made. Their language is imbued with strong-willed independence and they invoke their right to make their own decisions even if, as Jan admits, they may not be good decisions.

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107 *A Free Soul*, directed by Clarence Brown (MGM, 1931), DVD.
Through her portrayal of Lisbeth and Jan, Shearer represented a new generation of women with a new value system. In 1932, *The Motion Picture Magazine* dramatically declared: “Norma Shearer has killed our grandmothers. She has killed what they stood for. She has murdered the old-time Good Woman. She has cremated the myth that men will never marry ‘that kind of woman’.”\(^{108}\) By portraying leading ladies who were independent and sexually active, Shearer became the “first American film actress to make it chic and acceptable to be single and not a virgin onscreen.”\(^{109}\)

It was not only Shearer’s characters who championed female sexuality. The star herself was outspoken in interviews. She declared, “The morals of yesterday are no more. They are as dead as the day they lived.”\(^{110}\) In the new moral order Shearer noted, “A gentleman would certainly marry a woman who had had a lover—or even half a dozen lovers.”\(^{111}\) According to Shearer, ”No woman without a past is interesting. This is why most women today are so interesting, so vital, so colorful...Women with a past make better wives.”\(^{112}\)

**PRE-CODE ANXIETY**

Norma Shearer not only challenged the traditional characteristics of a good wife, she challenged the necessity of marriage at all. In *The Divorcee, Strangers May Kiss*, and *A Free Soul*, a pattern emerges with regard to Shearer’s characters’ attitudes towards marriage. All are plagued by an anxiety that permeated pre-Code films, an anxiety

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\(^{108}\) Quoted in LaSalle, 6.

\(^{109}\) Ibid.

\(^{110}\) Ibid., 107.

\(^{111}\) Ibid., 106.

\(^{112}\) Ibid., 105.
founded in the belief that neither love nor independence could survive the confines of marriage. As a trailblazer for the modern on-screen woman, it is not surprising that Shearer’s characters were some of the first to display this reluctance towards marriage. Lisbeth and Jan are perfect examples.

Lisbeth balks at the suggestion of settling down, declaring she and Alan “don’t believe in the awful necessity of marriage.” She views the pressure to marry as old-fashioned telling her aunt, “Every girl isn’t born with a marriage license in her hand.” Later, when her uncle tries to tell her marriage is the “natural” progression, Lisbeth fires back at him, “You think women should all be shoved into a coop like hens . . . Women aren’t human things to you. They’re either wives or sweethearts. Get a house, some furniture, some rugs…. “ Lisbeth resents being limited to this role.

For her, love rather than the formality of marriage is what makes a relationship sacred. This is why she constantly rebuffs Steve’s proposals. She tells him, “I love you Steve, but I’m not in love with you. That’s something rather different.” In turn Lisbeth suspects Steve doesn’t truly love her; therefore, even at her most desperate moment, she refuses his offer.

Lisbeth’s anxiety towards marriage is rooted in her fear that marriage destroys love. Her aunt and uncle’s tragic relationship exacerbates this fear. Lisbeth’s Aunt Cecilia is the greatest champion of marriage. When Alan suggests, “Love and marriage mean internal combustion,” she argues, “Marriage and love are not enemies.” However, Cecilia’s optimism is destroyed when she discovers her husband is having an affair. In a dramatic turn of events she throws herself from her apartment window.
Cecilia’s suicide only confirms Lisbeth’s distrust of marriage. She tells Steve, “It’s a pity to put that much in a bargain.” And, while Steve tries to convince her, “You give me half a chance and I’ll show you that’s a very, very exceptional case.” Lisbeth brushes him off telling him all men make such promises but never follow through.

In A Free Soul, Jan expresses a similar anxiety towards marriage. Dwight jokes that he proposed seventy-three times before she accepted. Eventually she admits to Dwight, “I just don’t want to get married. I don’t want life to settle down around me like a can of sourdough.” At first it seems Ace is responsible for Jan’s change of heart. However, when Ace brings up marriage Jan is equally disinterested, telling him, “Ace darling, I’m head over heels mad bout you but what’s in the future…I don’t know.” Ace forcefully responds, “I’m tellin’ ya,” but Jan will not be pressured into marriage. She declares, “Oh, no you’re not. Nobody is. Marrying you is serious darn serious. It would mean the end of a lot of things for me. My world would close up on me in a minute.” Jan recognizes that she enjoys certain freedom as a young single woman that she would not as a wife and eventually mother.

Lisbeth and Jan’s attitudes accurately reflect the drop in marriage rates in the twenties and thirties. Further, their anxiety regarding marriage’s impact on love and independence was founded on very real cultural shifts. Young women like Jan were empowered by increased political and economic power, access to higher education, and the lifestyle changes that accompanied urbanization and technological advancement. They valued their newfound freedom and were reluctant to trade their independence for subservience to a husband.
The shift from courtship to dating in the 1920s meant marriage was not always the end goal, as with 1930s couples like Lisbeth and Alan. Even couples who did date with marriage in mind often dated for an extended period of time. This allowed them to spend more time cultivating their relationship. Naturally, taking the next step induced questions of what changes marriage would bring to their relationship. This all occurred in an atmosphere of increasing divorce and more casual extramarital affairs which threatened hopes of marital bliss.

THE WOMEN OF WARNER BROTHERS

While Norma Shearer’s characters consistently evaded marriage, this anxiety was not confined to Shearer or MGM pictures alone. Warner Brother pre-Code films demonstrate the same trend. Again, the source of the anxiety is rooted in a desire for independence and love. Warner Brother’s 1931 film, *Illicit*, and 1933 film, *Female*, are prime examples.

As the title suggests, *Illicit* was one of the most provocative films of the pre-Code era. Ann (Barbara Stanwyck) is a modern woman dating a man from a traditional family. After witnessing her parent’s divorce and numerous unhappy marriages among friends, she has determined, “Marriage is disastrous for love. There’s too much about it that’s all wrong. The awful possession people exert over each other, the intimacy and the duty. I don’t know but love can’t stand the strain.” ¹¹³ Not only does Ann reject marriage, she is also hesitant about motherhood declaring, “I’m not willing to provide an heir…at least not for a few years.”

¹¹³ *Illicit*, directed by Archie Mayo (Warner Brothers, 1931), DVD.
Despite her boyfriend Dick’s best efforts to convince her that their marriage will be different, Ann will not settle down. Instead, she and Dick behave as a married couple without the commitment. Ann secretly spends nights at Dick’s apartment and the two go on weekend getaways together. However, when gossip spreads across town that Ann and Dick were spotted “overnighting” at a resort in Connecticut, Dick’s father confronts the couple. He challenge’s Ann’s theories about marriage and their debate highlights the conflicting views of the older and younger generations.

Dick’s father tells Ann, “You’re not the kind of girl to get away with this sort of thing. Oh, I have no doubt there are many relationships of this kind. But the successful ones marry sooner or later.” Ann stubbornly responds, “I’m not awfully concerned about the good opinion of society.” Dick, however, is. He gives Ann an ultimatum: either she marries him or they stop seeing each other. When faced with the choice, Ann warily gives in. Her decision is not made easier when, prior to her wedding, her ex-boyfriend arrives and urges her not to abandon her values. He heartbreakingly declares, “Ann Vincent, who has always belonged to herself, decides to become just another piece of property.”

Just as Ann feared, her marriage is struggling two years later. Dick is spending time with other women and Ann is increasingly insecure. Finally she admits to him, “It’s all come true Dick, just as I said it would. Marriage has done it, the intimacy that makes you helpless and small and dependent on one another. The sparks gone out of it.” Dick suggests a child could resolve their issues but again, Ann rejects the idea of motherhood stating, “I’m not going to have a child just to keep my husband. I’ve seen too many burnt out marriages because of a child.” Instead, she decides to move back to her own
apartment so they can “become individuals again” and get “back that something that marriage has killed for us both.”

Through this decision, Ann acknowledges that marriage has undermined both of the principle values pre-Code women sought to protect, love and independence. She tries to salvage them through the unconventional living arrangement, but instead she risks losing her husband altogether. In the end, she must decide whether to give up on her relationship in favor of her freedom or give in to the conventions of marriage to stay with the man she loves. Ann remains resolute until Dick returns to her and the two presumably repair their marriage.

While Illicit primarily focused on the correlation between marriage and love, Female focused on marriage and independence. Like its pre-Code predecessor, Female addresses the concessions women make for marriage. Alison (Ruth Chatterton) is the CEO of an automobile factory that she inherited from her father. She is a powerful businesswoman who sacrifices her personal life for the success of her company. When a friend asks her whether she intends to get married, Alison remarks, “Love is a career in itself. It takes too much time and energy.” Besides, “A long time ago I decided to travel the same open road that men travel. So I treat men exactly the way they’ve always treated women. Oh of course I know for some women men are a household necessity. Myself, I’d rather have a canary.”

Alison’s idea of treating men “the same way they’ve always treated women” includes inviting her attractive male employees home for one-night stands. In the office, however, she is all business and transfers her past conquests or pays them off in bonuses.

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114 Female, directed by Michael Curtiz (Warner Brothers, 1933), DVD.
Of course, her system falls apart when she meets Jim, a new engineer. The two fall in love with devastating consequences for Alison’s business.

As a powerful CEO, a nearly unheard of position for a woman of the 1930s, Alison’s anxiety is a matter of independence. Not only would romance distract her from her business, a husband might seize control of her company. In fact, Alison is courted by men who see marriage as a business merger. One of her car dealers goes so far as to propose to her, suggesting “With my output and your distribution we’d sweep the country.” Alison cleverly rejects his offer telling him, “But you see I’m not very fond of sweeping. I’m not a bit domestic.”

Even when Jim, with whom Alison is very much in love, presents her with a marriage license she is reticent. She tells him, “Marriage isn’t for me, I mean for us. After all we can be so happy as we are. Don’t lets spoil everything.” When Jim gets offended Alison tells him he’s being “old fashioned.” Her casual attitude sets him off. He snaps telling her:

Is it old fashioned to want to be decent? I suppose you think you’re too superior for marriage and love and children, the things women were born for. Say who do you think you are? Are you so drunk with your own importance you think you can make your own rules? Well you’re a fake. You’ve been playing this part so long you’ve begun to believe it. The great superwoman. Cracking your whip and making these poor fools jump around. You and your new freedom. Why if you weren’t so pathetic you’d be funny.

Jim criticizes Alison for rejecting traditional femininity and acting with confidence and power, as any male CEO would. By dismissing Alison’s “new freedom” and characterizing her modern attitude as “pathetic,” Jim reacts not only to his own rejection, but to the threat of women subverting their domestic roles in favor of powerful positions in which they may even be dominant to men.
Like Jim, the forces behind the Code saw female empowerment as a threat to the stability of the social order by discouraging marriage and motherhood. Through the Code, they sought to confine women onscreen to traditionally feminine roles in hopes the cultural influence of film would reverse the new attitudes of women.

Unfortunately, Jim has his way and Alison abandons her values in the film’s surprising ending. Following their argument, Alison breaks down in a board meeting and declares, “I don’t belong here! This is no place for a woman. I know I’ve always thought I was different. I’ve always tried to beat life the way men beat it but I can’t.” Her male colleagues reaffirm her doubts telling her, “You’re just a woman after all. This job was too much for you.” Alison abandons her company and instead chases after Jim, begging him to reconsider marriage. When he takes her back, she offers him her company, telling him she “never [wants] to see that factory again” and instead plans to have nine children. Alison’s change of heart is entirely contradictory to her characterization throughout the rest of the film. Even Ruth Chatterton seems to recognize the odd shift and delivers these final lines tongue-in-cheek.

FALSE HAPPY ENDINGS

_Female_ is not the only pre-Code film that made concessions in its ending, although it is one of the most memorable examples. Several pre-Code films follow _Female_’s structure of undermining earlier messages of empowerment within their final minutes. Some of these endings were merely an attempt to satisfy audiences by reuniting the original couple. For example in the final minute of _Illicit_, Ann laments having sought independence from Dick and welcomes him back with open arms. Yet others, like
Female, were half-hearted attempts to appease censors and do the bare minimum to comply with the Code.

As the film scholar Lea Jacobs explains, the Studio Relations Committee often tried to correct wayward films by encouraging the studios to include scenes of “final retribution” to denounce any immoral behavior that occurred over the course of the film. As a result, studios would simply atone for over an hours worth of material in the final minutes. In the case of Female, The Studio Relations Committee accused Warner Brothers of “justifying” Alison’s “extraordinary sexual indulgences.” Wingate wrote to Jack Warner to warn him he was “very concerned over the first part of the story.” He tried to convince Warner to do away with the sex and instead focus on Alison’s career as an impediment to her marriage prospects. As seen in the final version of the film, Warner Brothers got away with Alison’s early indiscretions by compromising on the ending.

These last minute efforts to conform to the demands of the Code were not enough to satisfy conservative moviegoers or religious activists who believed when the Code stated “correct standards of life should be presented on the screen” it meant for the entirety of the film, not merely the final moments. Therefore, it was only a matter of time before the studios were held accountable. The political, economic, and social conditions of the Great Depression hastened the process.

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115 Jacobs, 36.

116 Female file, The Motion Picture Association of America Production Code Administration Records.

117 James Wingate to Jack Warner, July 17, 1933, Female file.

118 The Motion Picture Production Code.
American’s reemphasis of morality in response to the Great Depression finally gave the Catholic Church the traction it needed to enforce the Code as originally intended in 1930. Martin Quigley noted that originally there had not been “sufficient pressure and support of public opinion to encourage the industry at large to develop and strengthen regulations for interpretation and enforcement.”¹¹⁹ This time, however, the Catholic Church capitalized on public sentiment and mobilized its parishioners to apply the one kind of pressure Hollywood could not ignore: financial pressure.

THE LEGION OF DECENCY

In 1933, a group of Catholic Bishops formed the Legion of Decency, which, according to the Legion’s Chicago reference manual, was “an organization springing from the very heart of child-loving, innocence-respecting America.”¹²⁰ The Legion’s call to action was to protect America’s youth from being corrupted by the silver screen. The Legion instigated a “joint action” movement among members of the church to boycott immoral films in order to impact Hollywood’s box office revenue.”¹²¹

Priests were responsible for leading the movement at the congregational level. They preached about the dangers of the cinema and encouraged their parishioners to sign

¹¹⁹ Speech by Martin Quigley, box 4, folder 35, Martin J. Quigley Papers.


¹²¹ Bishop Michael J. Gallagher, April 30, 1934, box 2, folder 6, Martin J. Quigley Papers.
the Legion of Decency’s pledge.122 Over the course of the boycott, eleven million people123 took the Legion’s pledge to reject all films that “[offended] decency and Christian morality.”124 The Cardinal of Philadelphia went so far as to outlaw all films “under pain of mortal sin.”125 The Church enforced the boycott by releasing lists of “immoral and indecent” films.126 In some communities priests even monitored the theatres to discourage wayward parishioners.127

The boycott reached its height in the summer of 1934, and the Legion showed no sign of conceding. The Archbishop of Chicago reportedly said he was unwilling to negotiate with members of the film industry.128 The Church felt they couldn’t trust Hollywood, and particularly Will Hays, to bring about change. In a letter to Martin Quigley on June 9, 1934, Father F. G. Dinneen wrote: “We got stung once. No one trusts Hays and I think that it would be quite ridiculous for him or any other representative of the industry to expect to head off this campaign with beautiful promises. Let Hollywood do real penance and show results of genuine reform over an extended period.”129

While Hays had initially been an ally in bringing the Code to the studios, his failure to enforce the Code was seen as a betrayal and, furthermore, an indication that his

122 McCarthy, Manual.
123 Doherty, Pre-Code Hollywood, 321.
125 Vizard, 49.
126 McCarthy, Manual.
127 Doherty, Pre-Code Hollywood, 321.
128 F. G. Dinneen to Martin Quigley, June 9, 1934, box 2, Martin J. Quigley Papers.
129 Ibid.
allegiance lay with Hollywood. Therefore, the Church drew support from within its ranks and even from Protestant and Jewish leaders rather than from the MPPDA.\textsuperscript{130}

While the Legion of Decency was certainly a force to be reckoned with, its influence was stronger in certain regions than others. In predominantly Catholic cities such as Chicago and Philadelphia, there was no question the boycott made a substantial impact. After ticket sales dropped fifteen to twenty percent in Philadelphia,\textsuperscript{131} Warner Brothers’ cofounder and executive, Harry Warner, declared, "You could fire a cannon down the center aisle of any theater in Philadelphia without danger of hitting anyone!"\textsuperscript{132} However, in Richmond and Pittsburgh ticket sales were up as much as twenty percent.\textsuperscript{133} These numbers indicate the boycott was not as financially devastating as the Legion of Decency hoped. In the end, it was not the financial strain, but the national attention that pressured the film industry to reform.

Hollywood feared bad publicity from the boycott would attract the interest of the Roosevelt administration. While the film industry had faced the possibility of federal censorship when the Code was initially introduced, FDR’s New Deal program gave credence to the threat. The New Deal, which was instated in 1933, consolidated federal power and sparked increased government intervention.\textsuperscript{134} In December of 1933, FDR began to assemble a Code Authority for the Motion Picture Industry.\textsuperscript{135} A few months

\textsuperscript{130} Doherty, \textit{Pre-Code Hollywood}, 322.

\textsuperscript{131} Memorandum to J.J. McCarthy, August 3, 1934, box 2, folder 19, Martin J. Quigley Papers.

\textsuperscript{132} Vizzard, 49.

\textsuperscript{133} Memorandum to J.J. McCarthy, August 3, 1934.

\textsuperscript{134} Doherty, \textit{Pre-Code Hollywood}, 324.

\textsuperscript{135} Ibid.
later, Congressman Raymond Cannon brought a censorship bill before Congress. At this point, Hollywood elected for self-censorship in order to maintain some form of control.

**JOSEPH BREEN AND THE PRODUCTION CODE ADMINISTRATION**

On June 13, 1934, the MPPDA passed a resolution that replaced the Studio Relations Committee with the Production Code Administration (PCA) and equipped it with the power the previous institution lacked. On July 15, 1934 the Code officially went into effect under the watchful eye of the PCA. There were several key changes that marked the new era of censorship.

Most importantly, in order for any film to be released, it now needed a seal of approval from the PCA. The seal, which appeared on a title card at the beginning of the film, was absolutely unavoidable because without it, the film could not be financed or exhibited. At this time, the studios owned a majority of the theatres in the United States. By signing the Code, they agreed to not only make but also exhibit movies in compliance with the Code’s guidelines. As a result, banks would only finance films that

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136 Ibid.


140 Jacobs, 19.
were supported by the PCA and thus guaranteed a release.\footnote{Vizzard, 94.} Quite simply, nothing could be made without PCA approval.

Aside from the seal, the MPPDA also closed the loophole that allowed studios to appeal to other producers in order to overrule censorship. Instead, all appeals went through the MPPDA board of directors whose location in New York mitigated conflicts of interest.\footnote{Doherty, \textit{Pre-Code Hollywood}, 325.}

Perhaps the most crucial adjustment, however, was the change in leadership. In February of 1934, as the Studio Relations Committee was transitioning into the Production Code Administration, Will Hays appointed Joseph Breen to oversee the enforcement of the Code.\footnote{Doherty, \textit{Hollywood’s Censor}, 62.} Breen immediately went head-to-head with the studios to establish his authority. Having formerly worked in publicity for the MPPDA, Breen launched an advertising campaign in which he publicly promised both over radio and television “the vulgar, the cheap, and the tawdry is out!”\footnote{Ibid., 328.}

Those who believed the Code was still a meaningless document were quickly proven wrong. Breen and his team of ten censors poured over source material, including plays and books, as well as original scripts.\footnote{Speech by Martin Quigley, box 4, folder 35, Martin J. Quigley Papers.} They had final approval on all elements including costumes, choreography, and even song lyrics.\footnote{Ibid.} Breen trained the PCA’s censors to review material with a critical eye towards the message each film was sending

\footnote{\textsuperscript{141} Vizzard, 94.} \footnote{\textsuperscript{142} Doherty, \textit{Pre-Code Hollywood}, 325.} \footnote{\textsuperscript{143} Doherty, \textit{Hollywood’s Censor}, 62.} \footnote{\textsuperscript{144} Ibid., 328.} \footnote{\textsuperscript{145} Speech by Martin Quigley, box 4, folder 35, Martin J. Quigley Papers.} \footnote{\textsuperscript{146} Ibid.}
audiences. While the Studio Relations Committee objected to specific scenes or even lines of dialogue, the PCA considered a film in its entirety and often demanded changes to the plot.\footnote{Jacobs, 24.} As a result, films could no longer merely tack on an ending in order to meet the Code’s standards.

However, this did not mean films under the Code were incapable of presenting any dramatic or controversial material. In fact, adultery,\footnote{See Housewife, directed by Alfred E. Green (Warner Brothers, 1934), DVD; The Old Maid, directed by Edmund Goulding (Warner Brothers, 1939), DVD; The Women, directed by George Cukor (MGM, 1939), DVD.} premarital sex,\footnote{See The Old Maid, directed by Edmund Goulding (Warner Brothers, 1939), DVD.} and women’s careers\footnote{See Wife vs. Secretary, directed by Clarence Brown (MGM, 1936), DVD.} were welcome sources of conflict when properly punished. As a result, the outcomes of these situations were often tragic in order to teach audiences a lesson.

For example, in the 1934 Greta Garbo film, The Painted Veil, Garbo nearly leaves her husband for another man. However, when her husband becomes deathly ill, she rejects the other man and repents for her unfaithfulness. She admits she was thinking only of herself and prays for the chance to tell her husband how much she loves him.

When the film was criticized as “an advertisement for adultery,”\footnote{Joseph Breen to Hunt Stromberg, December 17, 1934, The Painted Veil file, The Motion Picture Association of America Production Code Administration Records.} the Catholic publication America printed a review that stated:

Human frailty, temptation, and falls are legitimate materials of some Saints’ lives and many sermons. And if a picture dealing with sin contrives to present that sin as ugly and evil and to arouse sympathy against it, that picture is morally good
and should furthermore be welcomed by anybody who realizes that screen’s influence upon the minds and conduct of the film-going millions.152

This logic perfectly captured Breen’s moral outlook. In fact, Breen was so pleased with this review he kept a copy on file and quoted it when defending the film. The Legion of Decency agreed with America’s assessment and approved the film for adults despite the adultery because Garbo’s character “expiates her sin” and undergoes “genuine regeneration.”153

Stories of sin and punishment continued to receive the PCA’s seal of approval throughout the decade. In the 1939 film The Old Maid, Charlotte (Bette Davis) has a child out of wedlock with a Civil War soldier who dies in battle. To salvage her reputation, Charlotte hides the truth from everyone including her own daughter. The girl grows up never knowing Charlotte is her mother. When Charlotte does fall in love again, her cousin threatens to expose her past unless she breaks off her engagement. As a result, Charlotte becomes a bitter old maid without the love of a husband or child.

In an inter-office memo, one of the PCA censors assured Breen The Old Maid “will comply with the tenets of the Production Code” because “sacrifice and retribution are paramount in that the mother gives up all for her indiscretions.”154 Further, Breen ensured the film included “an affirmative speech of condemnation” of Charlotte’s “sinful act.”155


Charlotte’s fate differs entirely from pre-Code women whose sexual pasts did not determine their future happiness. When pre-Code women faced criticism for their sexuality they defended themselves with impassioned speeches. Breen, however, instructed Jack Warner, “There should be no suggestion that Charlotte is defiant in her attitude in the matter.” Charlotte, therefore, was rendered helpless by the Code.

With this level of oversight, Thomas Doherty notes, “During Breen's tenure, to go to the movies meant to see the world through Breen's eyes.” Therefore, it is important to consider how Breen’s worldview shaped the agenda of the PCA.

Breen was a devout Catholic who was deeply involved in church politics. His brother was a priest, and Breen himself was an active member of the Catholic Church in Chicago. There he became acquainted with Martin Quigley and Father Fitz George Dineen during the Code’s initial conception. Breen helped garner support for the Code among other Catholics and later on was a strong supporter of the Legion of Decency and of the motion picture boycott. As a result, Breen was the only figure within the MPPDA that the Legion trusted. Breen straddled the two conflicting worlds of the Catholic Church and Hollywood and was often viewed as a double agent, working for the industry but motivated by his Catholic roots.

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158 LaSalle, 192.

159 Ibid.

160 Ibid., 197.

161 Vizzard, 48.
The Legion of Decency argued that films threatened to undermine “the Church’s most important contribution to American life…training millions of children to morality and decency.”\footnote{McCarthy, \textit{Manual}.} Those who took the Legion’s pledge agreed to “condemn absolutely those salacious motion pictures which…are corrupting public morals and promoting a sex mania in our land.”\footnote{Ibid.} The subtext of the Church’s complaints was that film promoted the new sexual freedom of the post-Victorian era and was likely to perpetuate this behavior among young audience members. If the next generation was lost to the new ways of the world, there was little turning back. This explains why the Church put up such a fight.

Breen wholeheartedly embraced this view of film and took on the responsibility of combating moral depravity as leader of the PCA. He stated:

> The girls and boys of today are the fathers and mothers of tomorrow. And if our present day crop of youngsters are to be taught, by the cinema, that adultery is but a passing thing of fancy, that premarital indulgence is but an expression of natural ‘love,’ and that marriage is outmoded and stupid, how can we expect that respect for the seriousness and sanctity of the marriage state which is the very foundation of our society— and our Church?\footnote{Doherty, \textit{Hollywood’s Censor}, 92.}

As a result, Breen held the representation of women and marriage to the strictest of standards. As a Catholic, he received the highest order to do so.

In 1936, Pope Pius XI published an encyclical letter to the Archbishops and Bishops of the US in which he admonished films for “[destroying] pure love, respect for marriage, [and] affection for the family.”\footnote{Encyclical Letter from Pope Pius XI to Archbishops and Bishops of the U.S., 1936, box 2, folder 7, Martin J. Quigley Papers.} He went on to urge the Church to “elevate [films] to conformity with the aims of a Christian conscience” in order to “give new life
to the claims of virtue and to contribute positively to the genesis of a just social order in the world.” While the letter was directed at church leaders, it was Breen who had the power to enact this change along with the ten men under his command within the PCA.

Some of Breen’s cohorts also had strong religious ties. Martin Quigley noted, “The four principle men in the administration of the Production Code,” including Breen, “are men known for their intelligent, fervent, and practical Catholicity.” Jack Vizzard, who came onboard in 1944, joined the PCA straight from the Catholic seminary.

This is not to say that the PCA was colluding with the Church in any covert way. In fact, the Church continued to distrust the censorship process even under Breen’s leadership. In a letter to Martin Quigley on August 6, 1934, Father Daniel Lord wrote: “Though we can trust Joe Breen to be honest and straightforward in his handling of the films, the industry is no more to be trusted now than it was in the past.” As a result, the Legion of Decency continued to publish lists of approved and condemned films well past 1934, even with the PCA seal of approval. It merely indicated that the religious backgrounds of the PCA members, particularly Breen, informed their value systems and thus the content they filtered out or injected into films.

166 Ibid.
167 Letter from Martin Quigley to Archbishop William Cardinal O’Connell, August 1, 1934, box 2, folder 4, Martin J. Quigley Papers.
168 Vizzard, 78.
169 Letter from Daniel Lord to Martin Quigley, August 6, 1934, box 2, folder 3, Martin J. Quigley Papers.
170 Jacobs, 22.
Another notable commonality among PCA members: they all appear to have been men. In fact, so was nearly every decision maker involved with the Code, from the Catholics who composed it, to the studio heads who agreed to it, to the MPPDA who enforced it. While the 1930 proposition for federal censorship specified at least half of the members of the censorship commission had to be women, no such provisions were made for the PCA four years later. The occasional woman appeared on local censorship boards but otherwise women were excluded from the conversation—ironic, considering women comprised seventy-five percent of moviegoers in 1931 according to *Variety*. Yet it was men who crafted women’s onscreen image and thus controlled public perception of how women should behave.

Many moviegoers, particularly urban audiences, were not pleased with the new state of affairs. *The New York Times* reported in both New York and Los Angeles, “there is always a liberal volume of boos and hisses” whenever the PCA seal appeared onscreen. Newspapers in Boston, Chicago, Cleveland, and Detroit reported similar

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171 Vizzard, *See No Evil*. Jack Vizzard does not mention any female employees in his account of the PCA between the 1940s and 1960s. Further I did not encounter any documents written by female employees among the PCA records.

172 The Motion Picture Association of America Production Code Administration Records, Margaret Herrick Library. Unlike the PCA, there is documentation the MPPDA had female employees who held important positions. However, Hays was the primary decision maker.


174 Ibid., 335.

175 Ibid., 126.

176 Quoted by Bishop Michael J. Gallagher, April 30, 1934, box 2, folder 6, Martin J. Quigley Papers.
reactions among audiences. Ferrell Emmett Long, a resident of San Francisco, went so far as to write an impassioned letter to Breen in which he scolded:

This nefarious campaign to rob us of our enjoyment of the motion picture screen is not even human, and if you had any true American patriotism in you, then you would close your ears to these clerical rats who have no place in the scheme of human happiness…They are not interested in our morals—they have more than they can do to take care of their own. What they are interested in is increasing their own power and influence in the community.

Long was confident the public would soon overturn the “black censorship campaign.”

What he did not account for, however, was the financial advantages of the Code.

With the PCA’s strict guidance, studios were no longer clashing with state and municipal censorship boards as they had under the Studio Relations Committee. As a result, the studios saved over a million dollars in 1934 alone by avoiding discarded footage and last-minute changes. MGM and Warner Brothers, who had both operated at a loss in 1933, ended 1934 with profits of 7.5 and 3.8 million dollars respectively. With these sorts of numbers, the once-hesitant Hollywood accepted the new system of self-censorship and conformed to the Code. However, like any kind of change, it was not adopted without growing pains.

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177 LaSalle, 208.
178 Letter from Ferrell Emmett Long to Joseph Breen, September 27, 1934, box 2, folder 6, Martin J. Quigley Papers.
179 Ibid.
180 Doherty, Pre-Code Hollywood, 335.
181 Ibid.
CHAPTER FIVE  
WIVES MAKE A COMEBACK: THE WOMEN OF POST-CODE  
HOLLYWOOD 

THE GIRL FROM MISSOURI

In March of 1934, Metro-Goldwyn-Meyer began routine production on a new Jean Harlow film, *The Girl From Missouri*. MGM had no idea that within four months the film industry would be drastically altered by the enforcement of the Code. As a film written and produced pre-Code but edited and released just a month after the Code’s enforcement, *The Girl from Missouri* highlights the shift that occurred in both film production and content from the pre- to post-Code era. It was an early indicator of the Code’s authority not only as an early MGM post-Code film, but as the first Jean Harlow post-Code film.

Jean Harlow represented everything Breen and the Legion of Decency believed was wrong with pre-Code films. Known as the original blonde bombshell, Harlow was notoriously hyper-sexualized and often cast as a seductress. However, she portrayed these roles with such a comedic edge that she made even the most provocative characters likeable and typically faced no consequences for her misdeeds. *The Girl From Missouri* presented an early opportunity for the Production Code Administration to reshape Harlow’s image to conform to the morality of the Code. It is no surprise therefore, that *The Girl from Missouri* was rewritten, renamed, and reshot multiple times before receiving the PCA’s seal of approval.

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182 “Original Print Information,” *The Girl from Missouri* (1934), TCM Movie Database.

The first draft of the film’s script was penned in April of 1933, over a year before the Code went into effect.\(^{184}\) MGM altered the initial title, *The Age of Larceny*, to *Eadie Was a Lady*, then *100 Percent Pure*, and eventually *Born to Be Kissed* before the PCA deemed that title too “suggestive” and MGM settled on *The Girl From Missouri*.\(^{185}\)

In its early conception, the story was about a chorus girl who fell in love with the son of a wealthy man. In the early drafts, the girl “gives herself” to the man before they are married only to have his father try to sabotage their relationship by revealing her troubled past.\(^{186}\) In the third draft, the girl even lives with the man as his mistress.\(^{187}\)

When production began in March of 1934, Jean Harlow was playing Eadie, the gold digging chorus girl who chases the millionaire T.R. Paige to Palm Beach only to fall for his son, Tom Jr. The script eliminated all sex scenes and instead Eadie remains determined to maintain her virtue in order to marry well and increase her social status.

Despite the alterations already made to the initial storyline, Breen flagged *The Girl from Missouri* for concern. In a report to Will Hays on April 2, 1934, Breen wrote: “While the script submitted contained no seductions, the whole story naturally has a lot of sex emphasis, and great care will be needed with the general treatment both of the theme and of details, if the picture is to avoid difficulty.”\(^{188}\) A week later Breen followed


\(^{185}\) Andrea Foshee, “The Girl from Missouri (1931),” TCM Movie Database.

\(^{186}\) Loos, “The Age of Larceny.”

\(^{187}\) Anita Loos, ”Eadie Was a Lady,” April 28, 1933, *The Girl from Missouri* file, Turner/MGM Scripts, Margaret Herrick Library, Los Angeles, CA.

up with Hays to stress the need for “radical changes” to be made during the film’s production. Breen’s complaints were an early warning of the changes he intended to make to the film landscape considering that this storyline was innocuous when compared to the average pre-Code film.

The first serious sign of trouble occurred in late April when The Hollywood Reporter wrote that the film’s director, Sam Wood, had left the project "because he did not agree with changes in the story as ordered by the Hays Office." Jack Conway stepped in as the new director and by June, MGM provided the PCA with a rough cut of the film. The censors were still unsatisfied with the content. They met with the writer, director, and producer and insisted “retakes, eliminations, and revisions” be made.

Before MGM could release the film, the Code was officially instated and The Girl From Missouri found itself caught between the pre- and post-Code eras. On July 15, the New York Times reported Breen had “unofficially” rejected the film along with several other MGM productions. This left several millions of dollars hanging in the balance for the studio unless, as the New York Times suggested, it “sufficiently [whitewashed] the products.”

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190 Quoted in Foshee.


193 Ibid.
MGM had no choice but to comply. The film’s writers returned to the script and incorporated new lines and retakes. Most significant was a new opening that strengthened Eadie’s backstory as a small-town girl with no opportunity and emphasized her resolve to maintain her values. In the additional scenes, Eadie runs away from her stepfather’s beer house, where she is forced to work, because she realizes “there’s only one way for a girl to end up in this place.” Instead she heads to New York City to work as a showgirl and snag a Park Avenue husband. Until that day she vows to “keep straight” and maintain her “ideals” by avoiding casual love affairs.

With these changes, The Girl from Missouri was finally released on August 3, 1934, giving the public a taste of women’s new characterization under the Production Code. By tying a women’s value to her virginity and making marriage a prize to be relentlessly pursued, The Girl from Missouri undermined the work of Norma Shearer, Barbara Stanwyck, Ruth Chatterton, and so many of their pre-Code contemporaries.

Nowhere is this clearer than the pivotal scene where Tom lures Eadie into his room and locks the door in an effort to force intimacy. Up until this point Eadie has demanded a ring before beginning a physical relationship, but Tom believes she is not as innocent as she claims. When Eadie breaks down crying and pleads with Tom let her go, he registers her desperation and is taken aback: “Hey listen, that gag of yours about being a good girl, that’s not on the level is it?” Eadie confirms, “Yes, yes it is. You can make me cheap and common like a million others but gee, I wish you wouldn’t.” At this point Tom realizes Eadie is still a virgin, contrary to his initial assumption. He immediately


195 The Girl From Missouri, directed by Jack Conway (MGM, 1934), DVD.
unlocks the door and gives her money to go far away where he cannot find her. In a moment symbolic of Eadie’s rejection of her gold digging reputation, she leaves the money behind and flees.

It is not Eadie’s forceful rejection that prevents the scene from escalating into sexual assault, but rather her admission that she is still a virgin that stops Tom short. In fact, Eadie herself acknowledges the value of her virginity when she tells Tom defiling her would make her “cheap.”

While Tom was unwilling to marry Eadie when he believed her to be a loose-moraled gold digger, her confirmation of her virginity brings him to one knee. He goes to his father and tells him he’s going to marry Eadie. His father, outraged, tells Tom he could “pick things like her up on every street corner.” Tom, however, assures his father of Eadie’s innocence explaining, “Her father was a drunkard, her mother was no good in some little town in Kansas. Eadie grew up in joints, she earned her living in second-rate nightclubs and,” he emphasizes, “she came through the whole thing clean!” Tom’s eagerness to marry Eadie in light of the revelation that she is “clean” sends the distinct message that a woman must maintain her virginity in order to be worthy of marriage.

In the end, Tom’s father finally comes around and the couple does get married. In the last line of the film, Eadie turns to Tom upon completing their vows and declares, “You always knew I was a good girl didn’t ya?”

*The Girl From Missouri*’s definition of “good” is exactly what makes the film so problematic. It presents a society that links a woman’s worth to her virginity. This worth is all-important because it is presented as the determining factor in whether a woman is suitable for marriage, a now-sacred institution under the Code. These expectations
contradict the worldview presented in pre-Code films in which marriage was avoided rather than pursued and a woman’s sexual history did not determine her future worth.

As one of the first films released under the Code, *The Girl From Missouri* marked the beginning of the Production Code Administration’s efforts to deny women’s newfound freedom and sexuality and return to the old moral order.

**HOUSEWIFE AND THREE ON A MATCH**

As MGM struggled to adjust to the new Code regulations on the set of *The Girl From Missouri*, across town Warner Brothers encountered no such problems with their own early Code production, *Housewife*. Over the course of the 1934-1935 season, Jack Warner promised to prioritize family friendly productions.196 *Housewife* made good on this promise by presenting a classic love triangle in which the wife wins out over the career woman through her dedication to her family. The film served as borderline propaganda for the conservative values the Code championed. There are few better examples of the total annihilation of the anxiety towards marriage expressed by so many women in pre-Code Hollywood. Instead, *Housewife* returned women onscreen to the confines of home, marriage, and motherhood and presented these spaces as sources of identity and pride.

Unsurprisingly, *Housewife* received a PCA seal without objection. In an update to Will Hays on April 10, 1934, Breen included the film among a list of submitted scripts that aligned with the Code guidelines and “did not present any particular . . .

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difficulties.” As a result, *Housewife* was promptly released August 11, 1934, a week after *The Girl From Missouri* with none of the same roadblocks.

The film starred Ann Dvorak as the titular housewife, George Brent as her husband, and Bette Davis as the other woman. Dvorak’s portrayal of the housewife, Nan, is a complete departure from her role two years earlier as Vivian in *Three on a Match*. The contrast between the two characters underlines the stark difference in the characterization of wives in pre- and post-Code films.

Nan is a dedicated housewife who cares for her home and her young son, Buddy, while her husband, Bill, toils away at the office. When Bill begins working with his old flame Pat, the two rekindle their romance. Nan does little to intervene in the affair because she believes Bill will come to his senses. Meanwhile, Bill’s client, Paul, falls for Nan. However, she remains uninterested while she clings to her marriage. Finally, Bill confronts Nan and tells her he wants a divorce. She refuses and Bill storms out. Buddy chases after him and when Bill pulls out of the driveway he accidentally hits Buddy with his car. Buddy recovers but following the accident Nan agrees to divorce Bill. The two arrive at the court hearing with Pat and Paul in tow. However, when Nan takes the stand they cannot go through with the divorce. Instead they reunite and return home to Buddy.

*Housewife* did not perform well at the box office and reviews were less than enthusiastic. *Variety* disparaged the film’s “customary three-angled-romantic plot” which made “no effort to change the routine,” while *The New York Times* reported, “The most unexpected element of the film is the bewildering regularity with which the unexpected


198 *Variety* review of *Housewife*, August 14, 1934.
fails to happen.” These reviews were early reactions to what became popularly referred to during the Code era as “whitewashing,” the PCA’s effort to make films less controversial.

In July of 1934, *The New York Times* wrote “there is scarcely a play or book these days that can be transferred to the screen without liberal whitewashing.” A film executive remarked, "The leading woman must start out good, stay good, and be whitewashed for the finish." In fact, within the industry Breen’s name was even substituted as a verb meaning to whitewash.

In *Housewife*, Warner Brother’s efforts to whitewash their story to comply with the Code resurrected the female stereotype pre-Code films had defied for so many years: the virtuous wife. Further, the film pitted the wife against her classic adversary, a sexually liberated working-woman.

*Housewife* opens with a typical morning for Nan as she manages her chaotic household. She makes breakfast, ensures her husband looks presentable for work, answers the phone, makes the washing machine payment, cares for Buddy, calls the plumber to fix the leaking faucet, and repairs Bill’s radio. When Nan asks Bill for help he tells her, “I haven’t got time to bother with these details. You shouldn’t have asked me. You know that I’m busy at the office all day long. The house is your job.” And Nan clearly takes that job seriously. When her sister-in-law invites her to go shopping, Nan

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202 Ibid., 330.

203 *Housewife*, directed by Alfred E. Green (Warner Brothers, 1934), DVD.
tells her she has too much to do because “tomorrow is Sunday” and she has to clean the house and make a leg of lamb for supper. Her sister-in-law responds, “Lincoln might have freed the slaves, but he didn’t do much for the housewife.” At the end of the scene, a woman knocks on Nan’s door to register voters. When she asks Nan her occupation, Nan modestly responds, “Just a housewife.”

As the film continues, it becomes increasingly obvious Nan manages not only the household but also her husband’s career in advertising. She gives Bill an idea for a new way to market face cream and, when his boss rejects the idea, encourages him to start his own company. Nan even finances the company with over a thousand dollars of her own savings to get it off the ground for the first six months. Once Bill gets the business going, Nan creates a strategy to land his first client and later poach a big cosmetics firm from his old agency. Bill insists, “You don’t have to tell me what to tell him.” Yet, he uses Nan’s pitch word for word to land the deal. Of course Nan gets none of the recognition.

Instead, Bill becomes increasingly distant as he begins spending more time with Pat. At first, Nan denies the two are having an affair. However, even once she acknowledges the truth, she stands by her husband rationalizing, “Most men lose their heads when they get too much money, like a bad dream. They always wake up in the morning with a bad hangover.” Nan’s willingness to turn a blind eye to Bill’s affair emphasizes the double standard raised in The Divorcee.

While cheating wives face anger, guilt, punishment, and threats of divorce, wives who are cheated on quietly accept their circumstances. Nan must endure social gatherings where Bill and Pat make no effort to conceal their relationship. And, unlike Jerry who turns to another man, Nan rejects Paul’s advances even after she and Bill have separated.
Nan’s hesitancy to move on with Paul keeps her tied to her marriage and continues to characterize her as a dutiful wife in spite of her husband’s flaws. To be fair, Bill is punished for these flaws, as mandated by the Code, when he accidentally hits Buddy. However, for Nan, this incident merely serves as a catalyst for divorce.

Of course, Nan and Bill reunite in the end, an unsurprising conclusion in a film landscape where, short of death, the original couple is always reunited. However, while pre-Code film’s endings often failed to punish the morally bankrupt women who populated the screen, post-Code film’s endings rewarded women, like Nan, who conformed to the Code’s moral guidelines. Further, by reuniting the original couple, like Nan and Bill, post-Code films also supported the institution of marriage and promoted its sanctity as a lifetime commitment to one man or woman.

_Housewife_ ends as it began, with a women knocking on the door to register voters. However, this time Nan lives in an expensive home in a more affluent precinct. When the woman asks Nan for her occupation she once again replies, “Just a housewife,” to which Bill interjects, “And what a housewife!” The couple kiss and the screen fades to black.

The cyclical ending goes to show how little character development Nan undergoes over the course of the film. She begins the film as a dutiful housewife, spends the majority of the film determined to win back her husband, and ends the film once again comfortable in her position as mother and wife, although now her husband properly appreciates her.

_Housewife_ clearly does not portray a perfect marriage. Nan and Bill’s relationship is deeply flawed. From the opening scene there is an undercurrent of frustration on Nan’s part when she is overwhelmed by household responsibilities and receives no help from
Bill. Their relationship further fragments when Bill begins his affair with Pat. However, the moral of the story is that a wife must stand by her husband even under difficult circumstances. As a result, Nan is incapable of expressing the anxiety towards marriage pervasive in pre-Code films.

Consider Ann Dvorak’s role in the Warner Brother’s film *Three on a Match* just two years earlier. The film tells the story of Viviane (Dvorak), Mary, and Ruth, three friends from grade school, who reconnect just as Viviane is experiencing a crisis. Out of the three, Viviane has seemingly done the best for herself yet despite her apparent privilege, she is deeply unhappy. She admits to Mary and Ruth, “Oh I suppose I should be the happiest woman in the world, beautiful home, successful husband, and a nice youngster. Somehow the things that make other people happy leave me cold. I guess something must have been left out of my makeup.”

While Viviane is vague about the source of her unhappiness, it seems she feels trapped by her role as mother and wife. The “things that make other people happy” refers not only to her material wealth, but also to her domestic life. Viviane assumes there is something unnatural about her because she does not find fulfillment in the roles society has deemed inherent to all women.

While Mary and Ruth covet Viviane’s life of stability, Viviane longs for the days when she, too, was single telling them, “I envy your independence.” She goes on to admit, “I accepted the first man who really wanted to marry me. I thought it meant comfort and security. I thought I loved him. Maybe I do still. Maybe it’s my fault that things have turned out to be rather tiresome and pointless.” Throughout this conversation,

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204 *Three on a Match*, directed by Mervyn LeRoy (Warner Brothers, 1932), DVD.
Viviane fiddles with her wedding ring, physically channeling her anxiety into the symbol of her marriage.

That night Viviane admits to her husband, Robert, that she’s been depressed for months. She assures him, “It isn’t you. I don’t know what it is. I just seem fed up with everything.” However, her actions indicate otherwise. When Robert suggests he take time off work so they can get away together, Viviane rejects the offer, telling him “a change of background” wouldn’t help. Instead she asks to travel on her own, making it clear it is not the change in background she seeks but the independence.

From there the story devolves into a cautionary tale of the dangers of vice. Viviane meets a gangster onboard the ship and runs away with him. Under his bad influence she descends into a life of drinking, drugs, and crime. In a complex scheme, the gangster kidnaps Viviane’s son to collect ransom money to pay off his gambling debt. However, the plan gets out of hand and Viviane sacrifices herself in order to save her child.

Viviane’s trajectory as a fallen women and her ultimate tragic ending unfortunately perpetuates the notion that women who reject their traditional societal roles are deviant and possess a weakness of character. Three on a Match goes to show that while progressive, pre-Code films could be far from empowering. However, while the film ultimately punishes Viviane for doubting her marital happiness it allows her to express her doubts and anxiety in a way Ann Dvorak could not in the role of Nan two years later.

On the surface, Viviane and Nan have similar circumstances. They are married to successful husbands and are raising young sons. However, despite the love and support
Viviane receives from her husband, she is unhappy in her marriage. In contrast, Nan clings to her identity as a wife even when her husband is disloyal. While Viviane finds her marriage pointless it seems to be the one thing Nan derives purpose from and, as a result, she fights for it while Viviane runs from it. When Ted tells Nan he wants a divorce she outright refuses, telling him:

We’ve been married for a long time. We’re going to stay that way . . . Pat is trying to destroy something that belongs to you and me and I won’t let her do it. Quite a while ago I told a minister I was taking you for better or for worse. Plenty of those years things couldn’t have been much worse. And now that they’re better I’m not going to let a chisel like her step in. No absolutely no.

Nan’s language paints marriage as a sacred institution, just as the Code demanded. She describes it not only as a special relationship between her and her husband, but also a solemn promise made within the church. Under the Code, female characters no longer question that promise, like Viviane, but live by it, like Nan.

During a confrontation regarding Pat, Bill tells Nan, “You’re just an old-fashioned housewife. This is an age of individualism. I think it’s about time you’re finding it out.” While Bill’s comment is a selfish effort to justify his own misdeeds, it ironically gets to the heart of the issue with the film. Nan’s character is old-fashioned in an era where women had just begun to explore their individualism and enjoy newfound freedom. While Warner Brother’s advertised the film as “a million women’s stories in one,” Nan was not representative of a million women, she was representative of the type of woman the Code hoped to bring back into style: the traditional, dutiful, unthreatening, wife.
POST-CODE WIVES TAKE RESPONSIBILITY

Throughout the remainder of the decade, several female characters faced similar marital dilemmas. Their stories all preached the same message: it is a wife’s responsibility to maintain and, when necessary, repair her marriage. Those who did not suffered the consequences.

Consider MGM’s 1936 film, *Wife. Vs. Secretary*. The film cleverly evaded the sensitive topic of adultery by making the husband’s affair pure hearsay. In the film Linda (Myrna Loy) and Van (Clarke Gable) are blissfully married until office gossip convinces Linda her husband is having an affair. The other woman is rumored to be his highly attractive yet entirely innocent secretary played by a post-Code Jean Harlow.

Reviewers noted, “Here Miss Harlow is no siren. She shows she really can act something beside the vamp roles with which she has been chiefly identified.” Harlow even dyed her hair from her signature blonde to brunette to mark her transformation into an “honest woman.” While Harlow conformed to post-Code standards in appearance and demeanor, her character, Whitey, was still somewhat progressive as a working woman. In fact, Whitey comes closer than most post-Code women to expressing anxiety towards marriage. She prioritizes her job over her fiancé, Dave (James Stewart). However, Dave warns her, “A girl like you has to make up her mind to have a home with a man. That’s natural. What you’re doing isn’t.” Eventually, Dave also succumbs to the gossip regarding Whitey’s relationship with her boss and the two break up, emphasizing how detrimental a woman’s career can be to her relationship.

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205 *Variety* Review of *Wife Vs. Secretary*, March 4, 1936.

In the end, Whitey convinces Linda not to leave Van, telling her she is the only woman who can make him truly happy, and Dave returns to Whitey begging for forgiveness. He sums up the moral of the story in the final lines of the film, “All the fighting and worrying people do always seems to be about one thing. They don’t seem to trust each other. Well I’ve found this out. Don’t look for trouble where there isn’t any ‘cause if you don’t find it, you’ll make it. Just believe in someone.”

The reviews of *Wife Vs. Secretary* commented on what an ideal husband Van is. Therefore, all the blame is placed on Linda for doubting him. The *Chicago Daily Tribune* reported, “The story is one with a moral: Much beloved wives shouldn’t let their imaginations run away with them. No matter how circumstantial the evidence, or how blonde the secretary. They should sit back and TRUST.” Like *Housewife*, this moral stressed wives’ duty to stand by their husbands or risk their relationship.

This remains the case even when the husband is far from innocent. In MGM’s 1939 film, *The Women*, Mary (Norma Shearer) divorces her husband Stephen when she discovers he is having an affair with a vicious saleswoman. The film was revolutionary for its entirely female cast. While the male characters, particularly Stephen, are central to the conflict they never make an appearance. Instead Norma Shearer and her cast of catty, backstabbing friends rule the screen.

In *The Women*, Norma Shearer retains hints of her pre-Code spirit. When she discovers Stephen’s affair, she declares, “Stephen and I are equals. I won’t qualify that relationship now. It’s wrong, shockingly wrong. And women that stand for such things are just beneath contempt. I’ll never be one of them.” Mary’s reference to equality is

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207 Mae Tinee, "Sees this Film as Real Wow at Box Office," *Chicago Daily Tribune* review of *Wife Vs. Secretary*, April 4, 1936.
reminiscent of another one Shearer’s heroines, Jerry in *The Divorcee*. However, Mary lacks the self-assurance, resilience, and overall spunk that Jerry possesses under similar circumstances. While Mary does divorce Stephen, she is regretful rather than empowered. This is unfortunate considering *The Women* is the film for which Norma Shearer is typically remembered, because much of her pre-Code work was lost to the public when it was taken out of circulation. Therefore, *The Women* determined Shearer’s legacy.

Mary’s initial defiance is suppressed by those around her. Her mother advises her to ignore the affair and trivializes it as a normal male behavior:

> A time comes when a man has got to feel something new. And he’s got to feel young again just because he’s growing old. We women are so much more sensible. When we tire of ourselves we change the way we do our hair or decorate the house. A man has only one escape from his old self, to see a different self in the mirror of some woman’s eyes. This girl probably means no more to him than that new dress means to you.

To excuse Stephen’s behavior, this comparison relies on gender stereotypes that date back to the Victorian-era belief that men cannot control their sexual impulses while women are above such temptation. Mary’s mother’s thinking could be explained by a difference in generational views but Mary’s friends echo similar attitudes.

When Mary relocates to Reno to file her divorce, her friend tells her she’s a “blithering coward” for “[running] out of the trenches under fire” and deserting her husband. Inconceivably, her friend manages to portray Stephen as the victim and blame Mary for not rescuing him from the “she wolf” who has her claws in him. She equates Stephen’s infidelity with an illness, telling Mary, “Suppose the guy had smallpox. You wouldn’t have liked to have faced that either, but you’d have done it wouldn’t you? Well honey this jam that he’s in would make a bad case of smallpox look like a carnival. So
while the poor guy’s floundering around helpless you remove the one protection he’s got—marriage.”

This thinking absolves Stephen of all responsibility and instead places the blame on Mary for not sticking by her husband. Therefore, Mary’s hubris, rather than Stephen’s infidelity, is to blame for their marriage dissolving. Further, Mary is not only responsible as a wife but as a mother. The film includes scenes with her young daughter to highlight how her child is impacted by the divorce.

Just as *Wife Vs. Secretary* warns against distrust, *The Women* warns against pride. Throughout the beginning of the film, Mary maintains she has too much pride to stay with Stephen after she has discovered his affair. However, her resolve turns to regret once her divorce becomes a reality and she learns Stephen is marrying the other woman. Mary eventually admits to her mother that she could have saved her marriage if it had not been for her pride. In the end, Mary exposes the other woman’s true nature and wins her husband back. When she returns to Stephen, her friend demands, “Haven’t you got any pride?” to which Mary responds, “That’s a luxury a woman in love can’t afford.”

In both *Wife Vs. Secretary* and *The Women*, the characters’ marriages are nearly destroyed by the wives’ failure to stand by their husbands. However, in *Housewife* the wife is able to save her family by remaining loyal to her husband through his affair. Under the Code, not only did women conform to marriage, they carried the institution on their shoulders and took responsibility for preserving the nuclear family.
CHAPTER SIX
EXPLICIT TO IMPLICIT: THE CHANGES ONSCREEN

While the changes between pre- and post-Code films discussed thus far have relied on an analysis of storylines and character development there were very tangible changes onscreen that signified the authority of the Code. These changes primarily related to how much was revealed onscreen, whether it was how much of a woman’s body was revealed through the costuming and cinematography or how much of the romance was revealed through the written storyline. Both the salaciousness of the pre-Code years and the innocence of the post-Code era were exaggerated by the opposing party. As a result, myths formed about each period.

PORTRAYING ROMANCE

By modern standards, pre-Code films were modest in their portrayal of romance, sex, and the female figure. There was never any explicit profanity or nudity but it was clear what was occurring during the ellipses. Take, for example, The Divorcee. When Jerry cheats on Ted, the film shows her arriving home with Ted’s best friend after a late night of drinking. The pair close the curtains and the film cuts to the next morning when Jerry guiltily arrives home in last night’s gown.

However, under a subsection titled “Scenes of Passion,” the Code stated:

(a) These should not be introduced except where they are definitely essential to the plot.

(b) Excessive and lustful kissing, lustful embraces, suggestive postures and gestures are not to be shown.

(c) In general, passion should be treated in such manner as not to stimulate the lower and
baser emotions.\textsuperscript{208}

Therefore, films under the Code used no visuals that could implicate the moral standing of their characters and jeopardize their seal of approval. At times, this cautiousness was a detriment to the storytelling. This is apparent in \textit{The Old Maid} where the audience is unaware Charlotte (Bette Davis) has a daughter until she reveals this secret to her cousin thirty minutes into the film. The PCA’s file for \textit{The Old Maid} confirms her daughter’s birth was intentionally vague.

On two separate occasions Breen wrote to Jack Warner, reminding him, “You ought to establish the fact of the illegitimacy and then make no reference to it again unless such reference is absolutely necessary to the telling of your story.”\textsuperscript{209} As a result, there is little indication Charlotte and the father, a Civil War soldier named Clem, are romantically tied. Even the momentous occasion when Charlotte says goodbye to Clem as he boards his train to the battlefields lacks emotion. Charlotte implores Clem to come back and he very quickly kisses her before jumping aboard his moving train. Correspondence between Breen and Warner reveals Breen was particularly concerned with the implication of this scene. He stressed to Warner “The point here is to be exceedingly careful with this fade out so that it does not indicate a sex affair. This is very important.”\textsuperscript{210}

The film then cuts to six years later as Charlotte hides her daughter amongst orphans in a nursery. If Charlotte did not eventually reveal the girl’s true identity the

\begin{itemize}
\item \textsuperscript{208} The Motion Picture Production Code.
\item \textsuperscript{209} Joseph Breen to Jack Warner, December 21, 1938, \textit{The Old Maid} file, The Motion Picture Association of America Production Code Administration Records.
\item \textsuperscript{210} Joseph Breen to Jack Warner, December 21, 1938, \textit{The Old Maid} file.
\end{itemize}
audience, along with the other characters in the film, would not suspect anything of her origins.

In other post-Code films, even when it is clear a couple is romantically entangled there is little physical contact between characters. This is especially true of adulterous relationships. While the Code conceded adultery was “sometimes necessary plot material,” it specified “it must not be explicitly treated.”

Pre-Code films were not shy about depicting adultery. Consider MGM’s notorious 1932 Jean Harlow film, *Red Headed Woman*. In the film, Harlow plays a shameless gold-digger who relentlessly pursues her married boss, forcing herself upon him until he succumbs to her advances. At one point, Harlow traps her boss in a phone booth where the two can passionately kiss without being discovered by his wife.

Compare this pre-Code depiction of adultery with the affairs in Warner Brother’s *Housewife* or MGM’s *The Painted Veil*, both released in 1934, and the contrast is stark. In *Housewife* Bill and Pat are seen drinking and dancing but never kissing. In fact they actively avoid kissing. In one memorable scene, Bill declares, “I cannot tell you what the past few months have meant to me. I consider our friendship one of the finest things that’s ever come into my life.” Bill then leans into Pat as though to kiss her only to clutch her in a hug. The scene ends awkwardly as the two hold each other in this uncomfortable position.

*The Painted Veil*, which, like *Housewife*, was released within months of the Code’s enforcement, similarly depicts an affair without substantial physical evidence of the infidelity. In it, Katrin (Greta Garbo) moves to China for her husband’s business.

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211 The Motion Picture Production Code.
However, when she feels neglected by her husband, she begins an affair with the British Ambassador, Jack Townsend, who is also married.

The PCA’s file on the film provides insight into how the portrayal of romance was dictated by Breen’s office. The PCA questioned early on whether The Painted Veil was appropriate due to the “strong sex situations” in the story. MGM, however, appealed to the Board of Directors of the MPPDA in New York and all but two board members voted to approve the film. Once production began, Mayer and Thalberg were warned time and time again that the film had to be “made in strict conformity with the Code.”

The censors’ main concern was the portrayal of the “seduction” between Katrin and Townsend. Wingate wrote to another member of the PCA, “We have advised [Louis B. Mayer] that the seduction indicated in this picture is not necessary to the plot and therefore should not be portrayed.” While the play on which it was based had scenes between Katrin and Townsend take place in Katrin’s bedroom, Wingate warned Mayer to “keep away from bedroom scenes” in order to avoid Code violations.

MGM, having promised to comply with the Code when lobbying for the film’s approval, heeded the PCA’s warnings and preserved the sanctity of the bedroom. In The

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*Painted Veil* all scenes between Katrin and Townsend take place outside her home, at times literally. Townsend calls upon Katrin one night and the two converse in her front yard separated by a gate which Townsend never crosses. Further, even Katrin and her husband do not share a bedroom. Instead, Katrin retreats to her own room when seeking distance from her husband.

*Housewife* and *The Painted Veil*’s depictions of both marital and extramarital relationships played into the myths regarding the absurd regulations of the Code. In his memoir, Jack Vizzard addresses the assumptions that the Code restricted couples from sharing a bed or kissing.218 Vizzard confirms that most films under the Code did not depict married couples sharing a bed. However, he blames the British Board of Film Censors rather than the PCA for this policy.219 The British complained showing a couple sleeping together “[invaded] the ‘sacred intimacies of married life’”220 and, because England was an important market, the studios complied. Oddly enough, one space the PCA did monitor was the bathroom. In the making of *Wife Vs. Secretary*, Breen mandated the scenes where the husband and wife converse in the bathroom while the husband washes his face could not under any circumstances show the toilet.221

In regard to kissing, Vizzard balks at the myth that the PCA restricted kisses to a maximum of ten seconds.222 He insists none of the censors timed the length of kisses.

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218 Vizzard, 113.

219 Vizzard, 114.

220 Ibid.


222 Vizzard, 113.
However, it is difficult to cite an onscreen kiss in the early Code era that defied this unspoken limit.

The modesty of the Code was a reaction against the vice that was supposedly glamorized in pre-Code pictures. The dominant narrative of the pre-Code years was that studios were relying on sex to make a profit at the box office. Much like the myths regarding the restrictions of the Code, this accusation was founded in truth but it was often exaggerated.

In June of 1933, Variety reported Warner Brother’s had specifically instructed its screenwriters “to cultivate the vice film and to spice up the rest of the product line with vice additives.”\textsuperscript{223} The Hollywood Reporter noted, studios that disregarded the Code “[cashed] in on box office smashes.”\textsuperscript{224} For marketing purposes, studios would often exaggerate the explicitness of their films. At times they would even advertise a film as adult only to draw curiosity.\textsuperscript{225}

CENSORING APPEARANCE

While pre-Code films’ plots championed female sexuality, the cameras captured it in a manner that was often a source of controversy. The male gaze was certainly a powerful force in pre-Code films. The studios often pushed the limits of what they could or could not show onscreen, admittedly with little benefit to the story itself.

For example, A Free Soul begins with Jan’s father eating breakfast while she gets dressed behind a closed door. She asks her father to bring her clothes from her suitcase

\textsuperscript{223} Quoted in Doherty, Pre-Code Hollywood, 104.

\textsuperscript{224} Ibid., 106.

\textsuperscript{225}Ibid., 109.
and reaches her bare arm out from behind the door to pick out each article one by one. Jan hesitates when she arrives at her undergarments, allowing them to dangle suggestively before her arm disappears yet again. Soon after she joins her father for breakfast fully clothed. Similarly, in Red Headed Woman Jean Harlow’s character unnecessarily insists her friend trade clothes with her in a poorly veiled excuse for the two women to undress onscreen. The camerawork is heavy handed, focusing on Harlow’s legs as her skirt drops and following the women’s hands as they trade tops. The camera movement and angles strategically show flashes of skin without portraying any full nudity.

Some argued leading ladies were just as provocative once dressed. Both Jean Harlow and Norma Shearer were notorious for wearing costumes that left little to the imagination, the most famous of which was the negligee Norma Shearer donned in A Free Soul in the notorious scene in Ace’s apartment. Shearer, dressed in this silk negligee, drapes herself across Ace’s bed and tells him, “Come on, put 'em around me.” When the film was projected on the big screen Shearer’s negligee was nearly transparent. Harry Evans, Life magazine’s movie critic, commented in his review, “It certainly gives Miss Shearer a startlingly undressed effect. Watch your Aunt Emma’s eyebrows when Norma makes her entrance in this drapery.” One gossip columnist wrote, “When she is having her clothes designed for picture purposes she insists that they show as much of her anatomy as the law and Will Hays allow.” Whether or not this was Shearer’s true intention, this was certainly the public’s perception.

226 Evans, Review of Strangers May Kiss.
227 LaSalle, 104-105.
Under the Code, female costuming was strictly monitored by the PCA. Jack Vizzard writes, “We [tried] to hold the line on costumes, and had established a rule of thumb that the least we would settle for in the line of intimate garments was a full slip.” 228

These examples illustrate that in order for studios to alter the messaging of their films to comply with the Code, they were forced to alter not only the ideas characters expressed, but also the way they behaved and even appeared onscreen. As a result, the difference between pre- and post-Code films is visible just in the shift in dress and language. And, while themes such as premarital sex and extramarital affairs were still present in post-Code films, upon closer inspection they are presented in ways that allow for plausible denial. The indiscretions rarely play out onscreen so as not to “[arouse] dangerous emotions” and “lower moral standards” of audience members. 229 Accordingly, those responsible for the Code viewed it not as a means of denial, but as protection. Jack Vizzard wrote, “The Code was an instrument designed to present reality on the screen not as it was, but as it should be. Its purpose was to protect audiences from the reality out of which they entered the theater, and into which they were going to return.” 230

CONCLUSION

The beginning of the end for the Code was the “ Miracle Decision” of 1952. The Miracle Decision referred to the Supreme Court’s ruling in the case of Joseph Burstyn,

228 Vizzard, 118.

229 The Motion Picture Production Code.

230 Vizzard, 15.
Inc. v. Wilson. Joseph Burstyn was a New York film distributor who screened the Roberto Rosselini film, The Miracle without a seal.\textsuperscript{231} The New York censorship board rejected the film after facing mounting pressure from the Catholic Church.\textsuperscript{232} However, the Supreme Court decided Burstyn could exhibit The Miracle because films are “a form of expression whose liberty is safeguarded by the First Amendment,” thus overruling the previous decision of Mutual Film Commission vs. Industrial Commission of Ohio.\textsuperscript{233} The court went so far as to directly contradict the Catholic Church stating, “Even if it be assumed that motion pictures possess a greater capacity for evil, particularly among the youth of a community, than other modes of expression, it does not follow that they are not entitled to the protection of the First Amendment or may be subjected to substantially unbridled censorship.”\textsuperscript{234}

Following the Miracle Decision, censorship boards across the United States disbanded.\textsuperscript{235} Breen, however, vehemently fought off all efforts to modernize the Code.\textsuperscript{236} Instead, studios began to find ways to subvert PCA approval and release films without seals. The censors could feel their grip slipping and made concessions in order to remain relevant. Jack Vizard explained, “As a matter of survival, it was incumbent on the staff to begin to stretch the meaning of ‘blatant’ . . . lest too many films get away

\textsuperscript{231} Doherty, Hollywood’s Censor, 302.

\textsuperscript{232} Ibid.

\textsuperscript{233} Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952).

\textsuperscript{234} Ibid.

\textsuperscript{235} Gilbert, 7.

\textsuperscript{236} Doherty, Hollywood’s Censor, 249.
from the system and render it extinct.” As a result, by the 1960s the films released under the Code were no longer held to the same standard and controversial material began to filter in. By 1968, Jack Vizzard states, “Fate, and the force of events, coupled with the defects of human nature, had reduced the venerable old Code to the condition of a groveling pulp.” Breen was no longer there to protect the Code, having left his leadership position in 1954 and died in 1965. Instead, the Code was replaced with the Motion Picture Associate of America’s current rating system in 1968.

However, it took decades for pre-Code films to be rediscovered. During the Code era the PCA denied the public access to pre-Code films by requiring previously released films to apply for a PCA seal of approval. The pre-Code films that remained in circulation were whitewashed by the PCA while numerous others, including *A Free Soul* and *Three on a Match*, were taken out of circulation. Even after the Code fell apart in 1968, they were not rereleased. The dynamism of Norma Shearer, charm of Ruth Chatterton, and vivacity of Ann Dvorak in their pre-Code years was not rediscovered until the 1990s.

There is certainly room to continue this exploration of female representation in film in the later Code years. It would be particularly interesting to apply this analysis of

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237 Vizzard, 335.

238 Ibid., 347-348.


240 Ibid., 331.

241 LaSalle, 207.

the shift from pre- to post-Code films in 1934 to the transition of films under the Code to the current rating system in 1968.

CONTEMPORARY RELEVANCE

Today, the question of female representation in film remains relevant. While the U.S. film industry is no longer restricted by censorship, it remains male dominated. According to the annual Celluloid Ceiling report conducted by the Center for the Study of Women in Television and Film at San Diego State University, in 2016 women comprised only fourteen percent of “directors, writers, executive producers, producers, editors, and cinematographers working on the top 100 films.” Of that fourteen percent, only eleven percent were writers and four percent were directors. Since the report was first conducted in 1998, these percentages have fluctuated slightly without showing any sign of improvement. This has led researchers to declare an “inclusion crisis in Hollywood.”

Without female decision makers and content creators, female characters suffer. Unlike the melodramas of the 1930s, the majority of contemporary films are not female centric. Mick LaSalle ruefully reports, “In the twenties and early thirties women dominated at the box office” but, “Since 1960, female stars have been second-class citizens.” In 2015, only thirty-two of the top one hundred grossing films featured a


244 Ibid.


246 LaSalle, 4.
female lead or co-lead.247 Further, between 2007 and 2015, only a third of all characters across eight hundred films were women.248 The gender inequality within the industry impacts not only the quantity of female characters but the quality. How can we expect female characters to be representative of real women without the contribution of female writers and filmmakers?

As demonstrated by the enforcement of the Motion Picture Production Code in the 1930s, men have historically determined how women are portrayed onscreen and thus influenced the societal expectations placed on them. Today there is still urgency for proper female representation in film through casts that reflect the gender parity of the population and female characters that reflect the attitudes and behavior of women of varying ages and races.

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247 Smith, “The Data Behind Hollywood’s Sexism.”

248 Ibid.
BIBLIOGRAPHY


*The Motion Picture Production Code.* Father Daniel Lord, Father FitzGeorge Dineen, Martin Quigley. 1930.


**ARCHIVES/DATABASES**

Motion Picture Association of America Production Code Administration Records. Margaret Herrick Library. Los Angeles, CA.


Turner/MGM Scripts. Margaret Herrick Library. Los Angeles, CA.

Quigley, Martin J., Papers. Georgetown University Lauinger Library, Washington, DC.

**NEWSPAPER/MAGAZINE ARTICLES**


Tinee, Mae. "Sees this Film as Real Wow at Box Office." *Chicago Daily Tribune*. April 4, 1936.

**FILMS**

*A Free Soul*. Directed by Clarence Brown. MGM, 1931. DVD.

*Baby Face*. Directed by Alfred E. Green. Warner Brothers, 1933. DVD.

*Dinner at Eight*. Directed by George Cukor. MGM, 1934. DVD.

*Female*. Directed by Michael Curtiz. Warner Brothers, 1933. DVD.

*Housewife*. Directed by Alfred E. Green. Warner Brothers, 1934. DVD.

*Illicit*. Directed by Archie Mayo. Warner Brothers, 1931. DVD.

*Red Headed Woman*. Directed by Jack Conway. MGM, 1932. DVD.

*Strangers May Kiss*. Directed by George Fitzmaurice. MGM, 1931. DVD.

*The Divorcee*. Directed by Robert Z. Leonard. MGM, 1930. DVD.

*The Girl From Missouri*. Directed by Jack Conway. MGM, 1934. DVD.

*The Old Maid*. Directed by Edmund Goulding. Warner Brothers, 1939. DVD.

*The Painted Veil*. Directed by Richard Boleslawski. MGM, 1934. DVD.

*The Women*. Directed by George Cukor. MGM, 1939. DVD.

*Three on a Match*. Directed by Mervyn LeRoy. Warner Brothers, 1932. DVD.

*Wife Vs. Secretary*. Directed by Clarence Brown. MGM, 1936. DVD.