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A Touch of the Censor, 1959.

A TOUCH OF THE CENSOR
Films, Morals, and Civil Liberties

The Temple December 6, 1959

Rabbi Daniel Jeremy Silver

Three weeks ago the Cleveland Heights Police Department interrupted a film exhibition and confiscated the film. A week later a grand jury recommended that legal procedings be begun against the owners and managers of that theater on charges of having exhibited an obscene movie. I did not see this film. I have no first-hand impression of it. But from the advertisements which appeared in our local newspapers there can be no doubt that in intent, if not in content, this movie was nothing more than a blatent sexual exhibition. The advertising copy appealed not to one's artistic sensitivities, but to one's libidinous desires to see "the most daring love story ever told", and the photograph which preceded this copy showed two hands clutched on a bed in a position which left no doubt as to the action indicated. Whatever may have been the artistic selfdelusions of its French producers, certainly its American exhibitors had no such illusions. It was presented to the American public as a libidinous display and nothing more. Those who went to see the film went, not to be ennobled by its artistic sensitivity, but to be excited by its scandalous notoriety. Writing in our Cleveland Plain Dealer the movie critic W. Ward Marsh had this to say:

"When I began this business of looking seriously at motion pictures, I never honestly dreamed that I would have to review a 'stag' movie. This, then, is my first review of such pictures and the first of its kind I have ever seen. I lay no claim to purity. At the same time, I want no part of filth....least of all on the motion picture screen. Without its shockingly nasty climax, 'The Lovers' would be shunned by all moviegoers. With it, the prurient-minded will have a ball."

There can in my mind be no rationalization which will excuse the exhibition - the public exhibition - of such a film, and those who had any part to do with that exhibition deserve censure, public censure. Even our newspapers deserve to be consured for having printed these excitable ads, these suggestive ads. But when this has been said. I wonder if we all agree that the abrupt, headlinemaking confiscation of the film was a wise decision. There is one sure-fire formula which will transform a miserable piece of literary trash into an overnight nationaide best seller, and that is to succeed in getting it banned by some all watch-and-ward society. Movels such as "Forever Amber" and "Payton Place" was wallowing in the anomatty they so richly deserved, until they won such an accoulade. In our nation questions of taste and of public morals are left largely to the individual communities and to the several states, and this is as it should be, for the federal power to censor is the federal power to coerce, and concerned as we are with the free exchange of ideas and of cultural in America have limited the powers of the federal government to such a point that it can control the transmission of pornographic materials through our mails, it can forbid the introduction of pornographic materials from abroad, and it can withdraw the lisence of television and radio stations who flagrantly violate the common decomples, but that is about as far, and in my wisdom wisely that is about as far as we allow our federal government to go.

Since questions of public taste are left largely to the individual and to the individual community, all attempts at local censorship are ultimately self-defeating. When Boston bans, New York orders a second and third enlarged printing. When Oleveland Heights confiscates, attendance doubles and triples at other theaters throughout our nation which are showing the same film, and theaters which had no intention whatsoever of scheduling this piece of trash hasten to

add it to the menu that will be served in their communities. One sometimes wishes that we Americans were of another character, that we were at least as avid in our pursuit of substantial entertainment - theater and novel and drama - as we are in the pursuit, the avid pursuit, of the scandalous and the notorious. Somehow we will rearrange our complicated schedules, we will get together large parties to go to see some particular bit of trash which is on everybody's tongue, but we will dig our heels in, it will take the combined nagging of our wives and the pressures of our social groupings to get us to see a fine piece of theater on the legitimate stage.

The question of public censorship raises some difficult, dangerous issues. There is first of all the question of its wisdom, the wisdom of censorship in a state which operates on the basis of local option. Or perhaps Cleveland Heights can say that after all this was all that it could do, that it hoped that other communities would follow suit, but lacking this at least the citizens of Cleveland Heights would be spared this particular cheap, tawdry bit of trash. But unfortunately, other communities did not see fit to follow suit, and unfortunately too, it may be that the courts will refuse to label this film as abscene, for our courts have taken a very strict definition of oscenity, quite rightly so, and they have attempted to exclude from it anything which can make any claim to being art. For after all, the term "immoral", the term "obscene", can be twisted and conflated to include items and ideas which we would none of us have included in it. And so the courts, as our guardians of our civil liberties have been concerned to restrict to its very narrow, understandable, surface meaning the term of "obscenity". And already there have been some sober reviews, such as the one which appeared in the Saturday Review, which have questioned whether this film is obscene and whether it is not a serious art form. It may be that the courts will return this film for viewing and honest reopening, One wonders how many hundreds upon hundreds of citizens will flock to view it, seeking a thrill, seeking to be excited, but deluding themselves that they only want to see

what all this fuss has been about. One wonders if it is wise to throw the spotlight of nation-wide attention on a film which might otherwise have played for a week to poor attendances, been non-profitable, and then have disappeared again into the limbo of forgottenness from which it should never have been discovered.

And there are more serious issues here that underlie this issue. There is the question of whether police censorship should be easily undertaken, whether we should unleash the powers of our community to regulate entertainment or whether we should be very vigilant and restrictive in our permission. The city of Chicago has been the major community in our nation which has most often allowed its police to ban and confiscate films, and I recall that it was only two years ago that the city of Chicago's Police Department banned a film which was entitled "Letters to my Windmill". Now "Letters to my Windmill" as a film is a highly sensitive, beautifully artistic creation. It is of an entirely different cut of cloth from the miserable piece of trash which is under discussion here in Cleveland. It is the screened re-creation of a French classic by Alphonse Daudet, beloved to young and old alike. It is a series of sketches of life in nimeteenth and eighteenth century Provence southern France. It is done without a single passionate scene, without a single display of violence, without a single display of an exposed bosom or limb, without a single piece-bit of conversation which is capable of being interpreted in several ways. It is a genteel and gentle production. On what grounds, then could this film be withdrawn from public circulation on the grounds that it was immoral, a danger to public taste, and on what basis did the Police Department of the city of Chicago withdraw this film? Well, the basis was never made public and we can only guess at it, but my suspicion is this: one of the episodes of this film deals with a group of White Friars, of Catholic monks in the Provence, monks whose monastery has fallen on difficult financial times, and it treats these men not only as dedicated spiritual leaders but as human beings sharing the same failings and

foibles that you and I share. It seems that this monastery was situated in rich wine-producing land, and the monks discovered that among their brotherhood they had one whose palate was so fine and so keen that with his taste they could control the production of some of the most delicious wines which France could produce. Their wine became internationally famous. The exchequer of the monastery became solvent. There was only one problem, and the problem was that, despite his spiritual convictions, this wine-tasting monk had a very low alcoholic capacity, and occasionally the grape got the better of him. And the struggle between his spiritual needs and spiritual loyalties and his loyalty to his monastery and to his brotherhood is gently and humorously drawn. Now this book and this movie were never intended to be attacks on the Catholic church, and they were never viewed by the church to be attacks. But some zealous police officer in the city of Chicago felt his faith somehow had been challenged. The confiscation was ordered, and as far as I know the film has not yet been seen by the citizens of Chicago.

Now, this confiscation of the film "Letters to my Windmill" points to the basic problem which we are faced with here. Under these broad cover words -- obscenity, immorality, indecency -- wilful men can include minority political views, minority economic views, minority religious views, minority concepts of the art and of artistic form which they consider to be unacceptable in the tenor of their community's life. There is not a single strict definition, strict legal definition of obscenity which can be written for the guidance of police officers, which will avoid the possibility of misuse. For where does art end and obscenity begin? In the undraped form of Venus de Milo? In the beauty of Goya's Maias, in the tenderness of Auguste Rodin's statue of The Lovers? And where does the irreverent end and the immoral begin? The great novels of the nineteenth century Flaubert's Madame Bovary and Thomas Hardy's Tess of the d'Urbervilles which were censored here in America within the last seventy-five

years, or in the writings of such serious American authors as John Steinbeck, Ernest Hemingway, who have been censored and banned within our century. It is simply impossible to draw any simple, single, self-evident definition of immorality, of obscenity which does not permit its abuse by wilful, selfish, seeking-minded, self-minded men determined to enforce their views upon the community, to coerce the community to accept what they consider to be sacred, even though many in the community might not.

Let me restate, then, my position. I feel that there is no excuse for the presentation of this film. I feel that by public letter, individually to the owners and managers of the theater, individually to our newspapers, and by avoidance of attendance at such theaters when they display such films, we ought to make known our collective moral indignation at those who would make a business of feeding the flames of frustration which the unbalanced fringe of our community requires. I feel that our newspapers ought to be called to task for having printed these advertisements knowing full well that this was the advertisement, not for an entertainment which was wholesome to the family, but one which was designed to be suggestive and sexual and nothing more. But beyond that, I do not feel that we ought to embark upon attempts at public censorship, because I feel that public censorship is the last resort of a weak society, a society too indifferent to be selective in its entertainment, too weak to discipline itself from attending such entertainment, and too lax to wax morally indignant and to create a new climate of opinion which would prevent any further exhibition of films of this type.

If this public withdrawal and confiscation has done any one service to our city it is this: it has forced many of us who have been inarticulately and inaudibly concerned with some of the movie fare to take a second hard, severe look at what is being shown on the movie screens in our city. As I reread Mr. Ward Marsh's review in the Plain Dealer, my eye went down and across and around

the rest of the entertainment page on which it was featured. And as it did. I wondered that any man could choose among all these roses the one thorn that needed to be plucked. For immediately below his editorial was a large pictureand-type advertisement of a tramp who daily undresses herself in public in a downtown theater. And there were seven advertisements on this page for a movie which by its own admission and nothing more to recommend it than that it was brutal, savage, shocking, a story of human beings run amok -- that was the extent of the appeal of its advertisement. And to whom but to the prurient were such titles as these designed: Party Girl; Pillow Talk; Never Steal Anything Small; That Kind of Woman. And, finally, as if to thumb its nose at all that we consider to be sacrosant and sacred, there was what claimed to be a biblical film, an epic from our own holy Scripture, which turned this holy Scripture into a "savage spectacle of strength and seduction" - its own words. One wonders why this puritanical moral outrage. Are these films in any one respect less violent, less brutal, less sexually suggestive than The Lovers? I doubt it. What is it then? I suspect that it is simply this: that the European film flaunted one sacrosant American convention, and that is that you can put anything you wish, anything that is sadistic, that is brutal, that is violent, that is lustful in the first two hours of the film provided that the last five minutes crime is made not to pay and the sexually illicit relationship is condemned. The prostitute is made to wear a beautiful ribbon in her hair. This empty moral posing by the American films I find utterly contemptible, and it has been used now for twenty-five or thirty years to excuse the worst type of trash, of vulgarity, of coarseness, of brutality, all under the aegis that after all a moral lesson is being taught. Our young are being convinced that crime does not pay and that the home is the bulwark of modern society.

Our film industry needs a house-cleaning, at least some elements of it. I know that it may be good "box-office" to portray violence, but I also know that

that the psychological carnage wreaked among our young people and our mature is great, that perhaps we pay a greater cost for these films than our society itself can bear. Dino said it -- the young hoodlum in New York: "Every time I see a picture, I must have a gun in my hand," and the gun went off and it killed his mother. Do you know who analysed this? The marriage counselor, explaining why there were so many young divorces. "Our young people" he said, have been conditioned to believe that love is lust, and that when there is no lust there can be no love." There can be no doubt, no doubt at all, that many who walk that narrow balance between stability and instability, between sanity and anti-social behavior are triggered to such behavior by what they see, by the frustrations and by the tensions which are built up when they go to such films. And you and I bear responsibility in this respect, for we have been silent, and we ought to have publicly voiced our opinion. We have said that it doesn't reach into our families, no concern of ours, and further, we have added our dollars to the hundreds of millions of dollars which feed this great industry. For make no mistake of it -- not all nor the largest part nor even the majority of those who attend these films are of the demented, perverted fringes of our society. You and I attend -- decent people. For is it not true that we flock when something is scandalous, when Brigitte Bardot appears on the scene? It is our dollars who make this industry profitable, and if we would learn to discipline ourselves not to attend such pictures we would find that the producers are presenting many fewer of them and are turning their attentions to worthier material.

For after all, we in America, like human beings everywhere, have the common human desire to search out a scapegoat. We do not like doing business by Christmas presents, so we get morally indignant at those who receive payola. We do not like business by deals which are not evident to all, and we become morally indignant at those who entered the isolation booths and played a part.

We do not like the coarsening and the cheapening of our society, the fact that so much of our conversation includes the raucous, risque joke, that so much of our reading is involved with the immoral novel, that so much of our movie-going and of our theater entertainment is to the ribald and to the scandalous, and so we blame the industries that produce these films, produce these books, rather than ourselves. Our society -- your society and mine -- has been a society which has been scandalously morally lax. We have allowed business to be conducted through the appeal of sex. We have allowed the advertising world to be dominated by the appeal of sex. We have in our lives, when we have chosen between self-regimen and laxity, all too often given in. Professor Sorokin of Harvard University calls ours a "sex-obsessed society". Professor Max Lerner in his massive volume "America As a Civilization" had this to say about our American mores:

The great change that has occurred is in the availability of men and women alike for sexual adventure. The files of marriage counselors and of psychiatrists and psychologists are crammed with material about sexual episodes hidden in the shadow-lives of outwardly conventional people of every class and ethnic and religious group. By comparison with the Restoration period of sexual license in England and the eighteenth-century sexual revolution in France, the new American sexual orientation is far more pervasive. In the British and French instances the sense of sexual release was felt chiefly among the upper notifity and often took the form of perversions and libertinism. In the American case there is considerable spread throughout all classes, although Arthur Hirsch is probably right in calling attention to its concentration among the "upper-cultured" — that is to say, the college-trained groups.

The important fact here is that a shift has taken place from the commercial to the private sexual releases outside of marriage. With the failure of religious sanction, with the new geographic and social mobility and the gospel of personal fulfillment and happiness, a new sexual orientation has taken place. The carrier of the revolution has been the American woman rather than the American man. Recent novels present her as expecting sexual fulfillment and confronting the male with the challenge of developing a "psychological potency" which will equal her own.

On a different level Americans have had to contend with disturbing developments in the sexual behavior of adolescents. It

is here that the gap between the codes on the one hand and the biological impulses and social stimulants on the other has shown itself most dramatically. The adolescent boy at seventeen finds himself in high school, probably in a classroom with an unmarried middle-aged female teacher, and watched over by censorious parents and neighbors. He knows that he is old enough soon to be subject to the military draft -- to be given a gun and sent to the far corners of the world, perhaps even not to return. The adolescent girl, having newly discovered lipstick and grown-up clothes. living in a culture where marriage comes earlier in each generation, is equally impatient of the taboos and restraints that encircle her. In both cases the adolescent is surrounded by clamorous sensual stimuli - the movies and television, juke boxes, newspapers, and magazines. The resulting conflict between the codes and the biological and social stimuli has resulted in a considerable breakdown of community moral standards among our adolescents.

Is this the tone of home life and community life which we want? Obviously it is not. Is there anything that we can do about it? Yes, we can do a great deal. But to do it, we must not seek to embark on crusades against a particular book or a particular picture, but in a crusades which will reform ourselves and our families and our neighborhoods and our communities. For the fault is ultimately ours. It is we who forgot certain old-fashioned basic virtues -modesty, continence, self-discipline, self-regimen. Nobody forced us to forget them, to be lax. Our age was the one that accepted that psychological claptrap which told us that man was unhappy because he was frustrated and man would be happy once he cast aside all of his frustrations and engaged in free sexual adventure. Well, I ask you -- is our age any more happy than previous ages for having broken so many of the social and sexual conventions? Alcoholism has increased by fifty percent in two decades among our women. Is that a sign of happiness? By 1965 one out of every two marriages in the United States will end in divorce. Is that a sign of happiness, of maturity? By 1975 one out of every three children in the United States under the age of fourteen will be living in a home with other than both of his natural parents. Is that a sign of happiness, of adulthood, of maturity. Mental disease is, in the United States, increasing at a rate twelve times faster, more rapidly than our population. Is this a sign of our new-found happiness? Quite the contrary. I would suggest to you that having broken down these barriers we destroyed all that was meaningful in laws, all that was meaningful sexually as the bases of marriage itself. We coarsened something which should have been sanctified. We transposed lust for love. We forgot that that which we value is that which we sacrifice for, and not that which we so easily indulge ourselves with.

This, then, is our challenge -- your challenge and mine. In so many ways our moral values are being challenged. The texture of our society is being coarsened and cheapened. This film is but one example. There are two ways which we can take -- two answers to this problem. One is to seek someone outside ourselves -- the government -- to do our moral uplifting for us, and this is the way of danger, and this is the way of dictatorship. And the other is to look inside -- "my guilt, our guilt" -- to avoid in our conversation the dirty word and the dirty story, to avoid in our reading the dirty book, to avoid in our entertainment the dirty play, to avoid in our lives the dirty action. One is to reestablish certain basic moral values, old-fashioned, yes, values which were once read out of school, old-fashioned in that they come out of our Bible, old-fashioned in that they are basic to any successful living scheme. The crying need today, my friends, is to look in at ourselves, to be honest with ourselves, to admit our own faults, our own culpability for the vulgarity of the life which all too often surrounds us. And having taken this new look at ourselves, to undertake a new discipline for ourselves, to exemplify in our lives the respect with which we hold ourselves, the respect with which we hold basic virtues, the respect with which we know love must be treated. That is the way of happiness, and that is the way of democracy, and that is the challenge which I would place before you this morning.

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Cleveland Plain Dealer November 13, 1959

W. Ward Marsh

When I began this business of looking seriously at motion pictures, I honestly never dreamed that I would have to review a "stag" movie.

This, then, is my first review of such picture and the first of its kind I have ever seen. I lay no claim to purity. At the same time, I want no part of filth . . . least of all on the motion picture screen.

Without its shockingly nasty climax, "The Lovers" would be shunned by all moviegoers. With it, the prurient-minded will have a ball.

I have read out-of-town reviews by the so-called cognoscenti and the intelligentsia who have declared "The Lovers" to be screen poetry. The verdict here: a dull picture until it turns to screened pornography, and then it becomes nauseous.

Suppose for the moment I condone its pornographic sequences -- which I do not!-- there are other entirely destructive moral issues which are almost as unacceptable, or will be unacceptable to people who consider themselves as decent folk.

This other phase can be most easily exposed by relating quite briefly the story of "The Lovers".

A married woman, living in a major city, regularly visits Paris. I base my estimate of the size of her city by the fairly large newspaper plant which her husband owns and operates.

He apparently doesn't care much for her. So, she goes to Paris to see a long-time friend, and to have a mild flirtation with a polo player. It is mild compared with what happens later in the film.

When her husband insists that she invite these friends down to their rural chateau, she does this but is late arriving home because her car breaks down. She is given a lift by a sour-faced archaeologist. Husband insists that the new guest

The great change that has occurred is in the availability of men and women alike for sexual adventure. The files of marriage counselors and of psychiatrists and psychologists are crammed with material about sexual episodes hidden in the shadows the lives of outwardly conventional people of every class and ethnic and religious group. By comparison with the Restoration period of sexual license in England and the eighteenth-century sexual revolution in France, the new American sexual orientation is far more pervasive. In the British and French instances the sense of sexual release was felt chiefly among the upper nobility and often took the form of perversions and libertinism. In the American case there is considerable spread through all the classes, although Arthur Hirsch is probably right in calling attention to its concentration among the "upper-cultured" -- that is to say, the college-trained groups. It is part of the folklore of America that the greatest release from restraints is to be found in the Hollywood colony -- as witness a novel like Norman Mailer's The Deer Park. Yet there are other segments of American life where sexuality is more privately conducted and is incorporated into the busy lives of hard-working executives and professional groups, without the white glare of publicity that focuses on Hollywood.

The important fact here is that a shift has taken place from the commercial to the private sexual releases outside of marriage. With the failure of religious sanction, with the new geographic and social mobility and the gospel of personal fulfillment and happiness, a new sexual orientation has taken shape. The carrier of the revolution has been the American woman rather than the man. Recent novels present her as expecting sexual fulfillment and confronting the male with the challenge of developing a "psychological potency" which will equal hers.

On a different level Americans have had to contend with disturbing developments in the sexual behavior of adolescents. It is here that the gap between the codes on the one hand and the biological impulses and social stimulants on the other has shown itself most dramatically. The adolescent boy at seventeen finds himself in high school, probably in a classroom with an unmarried middle-aged female teacher, and watched over at home by censorious parents and neighbors. He knows that he is old enough soon to be subject to the military draft — to be given a gun and sent to the far corners of the world, perhaps even not to return. The adolescent girl, having newly discovered lipstick and grown-up clothes, living in a culture where marriages comes earlier in each generation, is equally impatient of the taboos and restraints that encircle her. In both cases the adolescent is surrounded by clamorous sensual stimuli — the movies and TH, juke boxes, newspapers, and magazines. The resulting conflict between the codes and the biological and social stimuli has resulted in a considerable breakdown of community moral standards among

The fact is, as Herbert Blumer has noted, that adult practices and attitudes in the area of sex have been pushed down increasingly to early age levels. Dating, formal dances, and petting may be found at the age of twelve or thirteen, and sometimes even earlier in the pre-adolescent age. There is constant pressure on the parents for permission to act the role of precocious adults. The power of decision about sexual behavior seems to have largely shifted from adults to adolescents and preadolescents. This has meant a strikingly earlier sexual sophistication than in the past -- another instance (along with advertising, consumption, and TV) of how America is basing its society on the triumph of adolescence.

The question of how to deal with this phase of "the mutiny of the young" still baffles most Americans. Exposés of "non-virgin clubs" and sexual "orgies" among high-school students have been splashed in headlines across the nation. The community has tried to deal with the problem by periodic "cleanups" which soon subside and are forgotten. The courts have tried to deal with it by reform schools and correctional institutions, and often by severe jail penalties in the case of