

## Censorship and *Film Noir*

Marvin SMITH

### Introduction

By 1943, *Double Indemnity* had sustained a reputation as an un-filmable property. . . . The problem was simple: his name was Will Hays. In 1935, when James Cain wrote the novel, his agent sent a copy to MGM. Cain's agent began hearing from other producers who wanted to read it, and soon all five major studios were interested. Then, according to Cain, "the Hays Office knocked it in the head. I didn't see its letter, but was told it was an uncompromising ban of the story in toto, one of those things that begin 'under no circumstances' and wind up 'way, shape, or form'." (Sikov 1998, 194)

From the above quotation, it would seem that the *film noir* classic *Double Indemnity* would have never made it to the screen. The fact that it did make it provides an opportunity to examine the censorship process in Hollywood during the 1930s and 40s.

I will begin with a history and an overview of Hollywood's self-imposed censorship system. I will consider the forces that created the system, the role of the system in Hollywood, the censorship process itself, the criteria used in the process, and the mechanism of enforcement. I will then introduce the novel upon which the movie *Double Indemnity* is based. Finally, I will outline the key changes that allowed the movie to pass censorship and receive the Production Code Administration's official seal.

### Film Censorship in Hollywood<sup>1</sup>

#### Introduction

The **Production Code** (also known as the **Hays Code**) was a set of guidelines governing the production of motion pictures. Adopted by the Motion Picture Association of America (MPAA) in 1930 and enforced from 1934 until its demise in

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<sup>1</sup> Much of the information in this summary is derived from "Production Code", a Wikipedia article found at [http://en.wikipedia.org/wiki/Production\\_Code](http://en.wikipedia.org/wiki/Production_Code).

1967, the Production Code spelled out what was and was not considered morally acceptable in the production of motion pictures in the United States.

The Production Code was not government censorship. In fact, the Hollywood studios adopted the code in large part in the hopes of avoiding government censorship. They preferred self-regulation to government regulation.

### **Before the Production Code**

Before the adoption of the Production Code, many perceived motion pictures as being immoral and thought they promoted vice and glorified violence. Numerous local censorship boards had been established, and approximately 100 cities across the country had local censorship laws. Motion picture producers feared that the federal government might step in.

In the early 1920s, three major scandals had rocked Hollywood: the manslaughter trials of comedy star Roscoe 'Fatty' Arbuckle, the murder of director William Desmond Taylor, and the drug-related death of popular actor Wallace Reid. These stories, which happened almost simultaneously, were sensationalized in the press, and grabbed headlines across the country. They seemed to confirm a perception that many had of Hollywood—that it was "Sin City".

Public outcry over perceived immorality, both in Hollywood and in the movies, led to the creation, in 1922, of the Motion Pictures Producers and Distributors Association (later the Motion Picture Association of America). Intended to project a positive image of the movie industry, the association was headed by Will H. Hays, a former campaign manager for President Warren G. Harding. Hays pledged to impose a set of moral standards on the movies.

Hays spent eight years attempting to enforce a moral authority over Hollywood films, with little effect. In 1927, the Hays office issued "Don'ts and Be Carefuls", a list of thirty-six subjects to be avoided or handled with care. Some of the subjects that the list warned about: profanity, nudity, drug trafficking and use, white slavery, arson, venereal disease, negative portrayal of established religion, rape, brutality, third-degree methods, sympathy for criminals, cruelty to children or animals, etc. Since there was no provision for enforcement of this list, however, film-makers continued to do pretty much what they wanted.

## 1930 to 1934

With the advent of talking pictures, it was felt that a more formal written code was needed. The Production Code was written, and adopted on March 31, 1930. This and future codes were often called the Hays Code after William Hays.

The early Production Code was a token gesture that was often ignored. However, in 1934, the Code was strengthened, largely in response to three things. First of all, the Catholic League of Decency was created to offer its own, independent ratings of films. Films that received bad ratings from the League were often boycotted by Catholics and other religious conservatives. Second, there was a wave of state and city censorship laws enacted. Third, Congress threatened to enact federal censorship statutes. As a result, on June 13, 1934, the Production Code Administration (PCA) was established. All films were required to obtain a certificate of approval from the PCA before being released. Joseph I. Breen was appointed head of the new Production Code Administration. Under Breen's leadership, enforcement of the Production Code became rigid and notorious.

## Provisions of the Code

Unlike the general tone of the earlier list of "Don'ts and Be Carefuls," the Production Code spelled out specific restrictions on movie language and behavior, particularly sex and crime. It prohibited nudity, suggestive dances, and the ridicule of religion. It forbade the depiction of illegal drug use, premarital sex, prostitution, venereal disease, childbirth, and profanity. Films could not endorse hatred of a racial or ethnic group, but the code also prohibited interracial relationships or marriages. The language section banned dozens of "offensive" words and phrases. Criminal activity could not be depicted on film in a way that led viewers to sympathize with criminals. Murder scenes had to be filmed in a way that would discourage imitations in real life, and brutal killings could not be shown in detail. The sanctity of marriage and the home had to be upheld. Adultery and illicit sex, although recognized as sometimes necessary to the plot, could not be explicit or justified and were not supposed to be presented as an attractive option. Films could still be violent and feature heterosexual romance, however. Smoking cigarettes was still allowed and even encouraged.

While the above list seems pretty clear, in practice it was often difficult to determine whether a film should receive PCA approval or not. With an eye toward box-office appeal, movie makers were often tempted to incorporate some of the forbidden subjects within their films. What was needed was one basic criterion to help decide the overall 'worth' of a film. Joseph Breen's concept of "compensating moral value" did just that. It became the fundamental yardstick used to deter-

mine whether a film that incorporated some of the questionable subjects was worthy of the seal:

Every film, according to Breen, must contain "sufficient good" to compensate for any evil that might be depicted. Films that had crime or sin as a major part of the plot must contain "compensating moral value" to justify the subject matter. To Breen this meant these films must have a virtuous character who spoke as a "voice of moral behavior," a character who clearly told the criminal/sinner that he or she was wrong. . . . There should be no gray areas in moral decisions in the movies. Each film must contain a stern, crystal-clear moral lesson that featured suffering, punishment, and regeneration. (Black 1994, 173-4)

### **Enforcement**

The Code was enforceable largely because of the vertical structure of the American movie industry at that time. The same studios that were producing the movies also owned the distribution networks, including the movie theaters. Since the studios had voluntarily agreed to abide by PCA decisions and not distribute movies without a seal of approval and since the studios also controlled virtually all of the movie theaters in the country, no movies without PCA approval could make it to theaters. In other words, the movie studios themselves enforced the Code. But why?

### **The Role of Censorship in Hollywood**

While the power of Breen to change scripts and scenes angered many writers, directors, and Hollywood moguls, his role in Hollywood had another aspect. Making movies was, after all, a business, and movie makers were, above all else, businessmen out to make a profit. They had to strike a compromise in the movies they made. They wanted the movies to attract as large an audience as possible while at the same time not alienating groups that might force a strict outside censorship system on Hollywood. Then, just as today, sex, violence, and other 'forbidden' topics attracted an audience, and, just as today, these same topics proved to be morally offensive to others. The basic role of Hollywood's self-imposed censorship was to create a system that would allow Hollywood to make movies that would attract the largest possible audience without pushing any of the major morality watchdog groups too far.

Breen's second job, then, was to sell movies to these watchdog groups. After Breen's PCA issued a seal of approval to a film, Breen then became the film's

champion. As such he went before the Catholic Legion of Decency to argue for a favorable rating from the Legion. He also lobbied local censorship boards on behalf of the film. In doing so, he performed a valuable service for the movie industry. He helped Hollywood strike a balance that would maximize its profits. And, in fact, Breen performed his role so well that, with time, the enforcement of the Production Code led to the dissolution of many local censorship boards.

### **The 1950s and early 1960s**

Hollywood worked within the confines of the Production Code until the late 1950s, by which time the “Golden Age Of Hollywood” had ended, and the movies were faced with very serious competitive threats. The first threat came from a new technology, television, which did not require Americans to leave their house to watch a film. Hollywood needed to offer the public something it could not get on television (which was convenient but also under a similar censorship code). Next, vertical integration in the movie industry had been found to violate anti-trust laws, and studios had been forced to give up ownership of theaters. The studios had no way to keep foreign films out, and the foreign films weren’t bound by the Production Code. Finally, a boycott from the Catholic Legion of Decency no longer guaranteed a commercial failure, and thus the code prohibitions began to vanish as Hollywood directors found they could ignore the Code and still earn profits.

### **The end of the Code**

By 1968, enforcement had become impossible, and the Production Code was abandoned entirely. The MPAA began working on a rating system, under which there would be virtually no restriction on what could be in a film. The MPAA film rating system went into effect in 1968 with four ratings: G, M, R, and X. The M rating was changed to GP in 1970 and to the current PG in 1972. In 1984 the PG-13 rating was created to place such films as *Indiana Jones and the Temple of Doom* in a middle tier between PG and R. In 1990 the X rating was changed to NC-17, in part because the X rating was not trademarked and pornographic bookstores and theatres had used the X and XXX rating.

### **James M. Cain’s *Double Indemnity***

The movie *Double Indemnity* was adapted from James M. Cain’s 1935-6 serialized novel of the same name. This adaptation was representative of the literary roots of the 1940 American films that later became identified with the term *film noir*.

(T)he very phrase *film noir* derives from a literary source. It is a variation on the French term for a certain sort of lowlife novel, the *roman noir*. This, in turn, was related to the trademark phrases, *série noir* and *fleuve noir*, by which Parisian publishers identified the translations and imitations of the American 'tough guy' or 'hard-boiled' mysteries and crime novels that they began publishing in series in the late 1930s and early 1940s. James M. Cain was among the authors represented in these books. So were such contemporaries as Dashiell Hammett, W. R. Burnett, Horace McCoy, Cornell Woolrich and, latterly, Raymond Chandler. Now observe that the connection between cinematic and literary *noir* was not hard to trace. Many of the *films noirs* that immediately preceded *Double Indemnity* in the early 1940s were based on the works by these writers (*The Maltese Falcon*, *High Sierra*, *The Glass Key*, *Phantom Lady*, *Murder, My Sweet*), as were many that immediately followed. (Schickel 1992, 16)

In adapting *Double Indemnity* for the screen, however, director Billy Wilder faced an obstacle that the novelist never had to deal with. Wilder had to create a work that would receive the Production Code Association's seal of approval. Let's first look at the story as presented in Cain's novel.

Walter Huff is an insurance salesman for General Fidelity Insurance Company of California. He drops by the house of a Mr. H. S. Nirdlinger in the Hollywoodland section of Los Angeles to remind him that his automobile insurance will soon be up for renewal. Mr. Nirdlinger isn't at home, so Walter talks to Phyllis, his wife. He finds something slightly odd about conversation, as though Phyllis has something other than automobile insurance on her mind. It soon comes out that she is interested in taking out an accident insurance policy on her husband and doesn't want him to know about it. This sent up all kinds of warning signals for Walter:

. . . in the first place, accident insurance is sold, not bought. You get calls for other kinds, for fire, for burglary, even for life, but never for accident. . . . In the second place, when there's dirty work going on, accident is the first thing they think of. . . . And it's the one kind of insurance that can be taken out without the insured knowing a thing about it. . . . there's many a man walking around today that's worth more to his loved ones dead than alive, only he don't know it yet. (Cain 1992, 7)

Walter's first inclination is to get out fast and never come back. He leaves with that intention, but over the next few days, he realizes he is attracted by two things: [1] Phyllis and [2] the challenge of bilking his company of the money.

When Phyllis comes to his house three days later, they begin to hatch the plan to murder Mr. Nirdlinger and collect \$50,000 based on the double indemnity clause of an accident insurance policy. The double indemnity clause comes into effect only if the insured dies in a train accident.

Phyllis and Walter put their meticulous plan in motion. Since Walter is the insurance expert, he comes up with the necessary details of the plan. He manages to get Mr. Nirdlinger to apply and pay for an accident policy without actually being aware of it. At first, though, it seems it will be almost impossible to get Mr. Nirdlinger on a train. However, after he breaks his leg, he is convinced to take a train to attend a college reunion in Palo Alto. Walter hides in the back of the Nirdlinger car, and on the way to the train station he kills Mr. Nirdlinger by breaking his neck. Walter then wraps up his own leg, takes Mr. Nirdlinger's crutches, and pretends to be Mr. Nirdlinger on the train. He jumps off the rear observation deck soon after the train leaves the station. Phyllis is waiting near the tracks with Nirdlinger's body. They place the body along the track to make it appear that he has fallen off the rear of the train and broken his neck. So far, so good.

The next hurdle to clear is to collect the money from the insurance company. Between Walter, Phyllis and the money is Barton Keyes, the head of General Fidelity's Claim Department. Walter is wary of Keyes:

He's big and fat and peevish, and on top of that he's a theorist, and it makes your head ache to be around him, but he's the best claims man on the Coast, and he is the one I was afraid of.  
(Cain 1992, 56)

Keyes does, in the end, get close to figuring out how the insurance scam has been perpetrated. Walter writes, "He [Keyes] was all wrong on how it was done, but he was so near right it made my lips turn numb just to listen to him." (Cain 1936, 67)

Keyes' investigation takes a wrong tack, however. Mr. Nirdlinger had a daughter Lola by his first wife. She, in turn, has a boyfriend named Boniamino 'Nino' Sachetti. After Nirdlinger's death Sachetti seems to drop Lola and take up with her stepmother Phyllis instead. Keyes becomes convinced that Sachetti and Phyllis planned and carried out the murder.

Of course, Keyes is wrong about this, but the story becomes a little convoluted at this point. It turns out that Phyllis has been a nurse who killed both the first Mrs. Nirdlinger and at least three children. She is, in other words, a pathological serial killer. Sachetti's father's hospital was ruined by the children's murders, and Sachetti is trying to investigate Phyllis on his own. When he meets Lola, he falls in love with her. This complicates his investigation of Phyllis. After Nirdlinger's death, Sachetti fears for Lola's safety and tries to get close to Phyllis to prevent her from harming Lola. At the same time, he distances himself from Lola.

Before Keyes can follow through on his suspicions concerning Phyllis and Sachetti, there is a confusing scene in Griffith Park in which Walter is shot by Phyllis. Because Lola and Sachetti discover the wounded Walter, Keyes and the police mistakenly think that Sachetti, with Lola as an accomplice, is the shooter. Walter, who has fallen in love with Lola, tells Keyes the truth about Nirdlinger's murder in order to save both Lola and Sachetti. Keyes allows Walter to board a ship for South America after Walter writes a statement detailing how he and Phyllis carried out the crime. Walter meets Phyllis on the boat, and the story ends with the pair contemplating a joint suicide.

This is the story that served as the basis for Billy Wilder's film *Double Indemnity*. In the following section, I'll consider how Wilder and his co-writer Raymond Chandler changed the story.

### **Billy Wilder's *Double Indemnity***

In adapting Cain's *Double Indemnity* for the screen, co-writers Billy Wilder and Raymond Chandler made two general types of changes. The first type was to make the story more 'cinematic'. The second was to make changes necessary to get the PCA's seal of approval.

In turning Cain's *Double Indemnity* into a movie, Wilder and Chandler used two strategies to try to produce a story that was 'cinematic'; i.e., stylistically more appropriate for the screen. The first strategy was to simplify the storyline. Basically, they removed confusing plot turns and simplified the ending:

The film's narrative thread is much clearer. Gone are Phyllis's history as a lethal nurse and all the overcrowded intrigue in Griffith Park. With satisfying symmetry, Walter and Phyllis have their fateful rendezvous in the same living room where they first met. Walter plans to shoot Phyllis and frame Nino, but Phyllis shoots first, from a distance. Unable to fire a second shot, she tells Walter it's because, for the first time, she loves some-



one. Walter's icy response is to fire into her at point-blank range. As in the book, Walter confesses to Keyes, but now it's the poignant finale of the story. (Lally 1996, 132-3)

Another change to the story was that in the film version, the complication of Walter's love for Lola was eliminated.

The second strategy was to improve the dialogue of the film. It's surprising that they would feel this to be necessary since Cain was known for his effective use of pithy, realistic dialogue.

It turned out that the famous Cain dialogue, which both men [Wilder and Chandler] had assumed could be translated to the screen virtually intact was unusable—'unspeakable' to use Wilder's word, which meant literally, not pejoratively. They brought in actors to try to read it, and it fell flat. (Schickel 1992, 36-7)

In improving Cain's dialogue, Wilder and Chandler managed to create some of the most powerful and suggestive repartee in all of *film noir*:

NEFF: <sup>2</sup>	I wish you'd tell me what's engraved on that anklet.
PHYLLIS:	Just my name.
NEFF:	As for instance?
PHYLLIS:	Phyllis.
NEFF:	Phyllis. I think I like that.
PHYLLIS:	But you're not sure?
NEFF:	I'd have to drive it around the block a couple of times.
PHYLLIS:	(Standing up again) Mr. Neff, why don't you drop by tomorrow evening about eight-thirty. He'll be in then.
NEFF:	Who?
PHYLLIS:	My husband. You were anxious to talk to him weren't you?
NEFF:	Sure, only I'm getting over it a little. If you know what I mean.
PHYLLIS:	There's a speed limit in this state, Mr. Neff. Forty-five miles an hour.

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<sup>2</sup> Walter's last name was changed from Huff to Neff in the movie.

NEFF: How fast was I going, officer?  
 PHYLLIS: I'd say about ninety.  
 NEFF: Suppose you get down off your motorcycle and give me a ticket.  
 PHYLLIS: Suppose I let you off with a warning this time.  
 NEFF: Suppose it doesn't take.  
 PHYLLIS: Suppose I have to whack you over the knuckles.  
 NEFF: Suppose I bust out crying and put my head on your shoulder.  
 PHYLLIS: Suppose you try putting it on my husband's shoulder.  
 NEFF: That tears it. (Wilder 2000, 17-8)

However, even with an improved storyline and punchier script, *Double Indemnity* still had to get past the PCA censors. The key to this lay in [1] changing the ending of the movie and [2] reworking the role of Keyes, the head of the Claims Department.

In the novel, Walter and Phyllis actually get away with the murder. Even though there is the hint of an impending double suicide, the story ends on a morally ambiguous note. To rectify this, Wilder and Chandler have Phyllis and Walter kill each other. Phyllis dies right away, but Walter survives long enough to confess into Keyes' dictation machine and then have a final exchange with Keyes.

In the film Keyes needs to become the "voice of moral behavior" mentioned earlier. In the novel, Keyes is a perspicacious claims man, whom, as stated before, was the one that Walter most feared. His relationship with Walter is one of mutual respect and mild liking. He is not, however, a voice of moral behavior since it is he who arranges for Walter to escape in exchange for a notarized statement of what happened. Keyes does this for business, for the good of the company:

"We can't hush it up, we know that. But having it come out that an agent of this company committed murder is one thing. Having it plastered all over every paper in the country for the two weeks of a murder trial is something else." (Cain 1936, 109)

In the film, Keyes is the voice of moral behavior and much more:

Keyes is the conscience of the novel, but Wilder and Chandler make him much more *emotionally* central. He is not only a moral force in the film but also becomes instead a paternal, fra-

ternal, and avuncular character all in one. For Wilder, he's a figure of love—short, chubby, sweating love. (Sikov 1998, 204)

The film ends with this last exchange between Walter and Keyes. Walter, fatally wounded, sits on the floor slumped against the office doorway:

KEYES: How you doing, Walter?  
*Neff manages a faint smile.*

NEFF: I'm fine. Only somebody moved the elevator a couple of miles away.

KEYES: They're on the way.

NEFF: (Slowly and with great difficulty)  
You know why you didn't figure this one, Keyes? Let me tell you. The guy you were looking for was too close. He was right across the desk from you.

KEYES: Closer than that, Walter.  
*The eyes of the two men meet in a moment of silence.*

NEFF: I love you too.  
*Neff fumbles for the handkerchief in Keyes' pocket, pulls it out and clumsily wipes his face with it. The handkerchief drops from his hand. He gets a loose cigarette out of his pocket and puts it between his lips. Then with great difficulty he gets out a match, tries to strike it, but is too weak. Keyes takes the match out of his hand, strikes it for him and lights his cigarette.*

FADE OUT:

THE END (Wilder 2000, 118-9)

With these changes, the film that should have received the PCA's seal of approval "under no circumstances" and in "no way, shape, or form" managed to receive the seal and go on to become one of the most famous of all *film noir* movies.

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