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Film and Ethics:
What Would You Have Done?

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FOREWORD

Explicitly or implicitly, issues of ethics underpin every aspect of life, as public institutions and private individuals make decisions that will inform their own welfare and the lives of others. The ethical impulse and its determination has recently gained considerable intellectual attention, as many in the academy seek to understand the moral challenges and opportunities their own subject area presents. This series, which flows naturally from Liverpool Hope University's unique mission, is distinctive in its multi-disciplinary range and encompasses arts and humanities, social sciences, business and education. Each volume is informed by the latest research and poses important questions for academics, students and all those who wish to reflect more deeply on the values inherent within different disciplines. Bringing together international subject specialists, the series explores the complexities of ethics, its theoretical analysis and its practical applications and through the breadth of contributing subjects, demonstrates that understanding ethics is central to contemporary scholarship.

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INTRODUCTION

At first glance, “ethics” is not necessarily a subject conventionally associated with film. Film is often regarded as a form of “lowbrow” popular culture, either offering bland entertainment or deliberately setting out to shock – or, more cynically, generate box office revenue – through gratuitous inclusion of sex and violence. There have always been a minority of films based on the stereotypically “ethical” subject of religion, although these have often generated the most controversy, from the studio system decree that it was blasphemous to represent the corporeal body of Christ to the furore surrounding Martin Scorsese’s *The Last Temptation of Christ* (1988); more recently, scholarship has investigated issues such as disability (Pointon, 1997), representations of children (Mills & Mills, 2000) and of animals (Burt, 2002).

This book, however, will show that from the classical studio era to the present day, film has been inherently concerned with ethical issues. This is well illustrated by the chapters’ range of subject matters. **Felicity Hand** examines Bollywood as a space for the resolution of issues of fundamentalism and ethnic violence; **Beth Johnson**, through her reading of Patrice Chéreau’s *Intimacy* (2001) considers the significance of different types of intimacy such as emotional, physical, verbal and nonverbal; **Peter Krämer** investigates *A Clockwork Orange*’s (Stanley Kubrick, 1971) success and reception; **John Keefe** analyses the role of the spectator as a decision maker in the process of engagement with film; **Jacqui Miller** presents a study of the production and exhibition history of the groundbreaking American film *Confessions of a Nazi Spy* (Anatole Litvak, 1939); **Joseph Schaub** takes a revisionist perspective of John Waters’ Dreamland collaborations with Divine; **Brian Neve** assesses motivations of those caught up in Hollywood’s blacklist during the House Committee on Un-American Activities (HUAC) investigations, and **Roshan Singh** evaluates moral ambiguities surrounding characterizations of the detective in the HBO series *The Wire*. These chapters encompass a wide time frame from the 1930s (Miller), the 1950s (Neve), the 1970s (Schaub and Krämer) to the contemporary

era (Johnson, Hand, Singh), a broad range of cinematic practice from the classical studio era (Miller), American mid-century independent work (Neve), American underground cinema (Schaub) the British/American renaissance (Krämer), contemporary art-house (Johnson), and Bollywood (Hand). A range of national productions is also presented from American (Miller, Schaub, Singh, Neve), British-American (Krämer), Anglo-French (Johnson), and Indian (Hand). It is also the case that several of the chapters address visual forms that cannot be narrowly conscribed. *The Wire* is a TV series, but shares many cinematic concepts and techniques, while Keefe's study of the spectator draws on theories that may be equally well applied to live drama as to film. Indeed this point of multiplicity is highlighted by contributors. Keefe's chapter exemplifies this in its ranging across film history and nationality from the classical musical (*South Pacific*) to the French New Wave (*Cleo from 5 to 7*, *Weekend*) to the Hitchcock thriller (*Psycho*) to the modern musical (*Sweeney Todd*) and this breadth is captured by a definition of one chapter's subject:

many popular Indian films are referred to as *masala*, originally a blend of spices, indicating the variety of different elements – music, song, dance, romance, action, comedy and drama – that can make up any one film (Nayar, 2004: 14).

Notwithstanding this range, links, commonalities and continuities may be seen across what might appear to be a disparate group of texts; several of the personnel involved in the making of *Confessions of a Nazi Spy* would, like Cyn Endfield and Elia Kazin, the main protagonists of Neve's chapter, be caught up in the HUAC investigations, and Neve's references to the "spy cases" of the 1950s and the notion of studies of the HUAC years as a "moral detective story" makes his chapter a fulcrum between *Confessions of a Nazi Spy* and *The Wire*; Johnson and Schaub both draw on French existentialist writings to underpin their arguments; *Confessions of a Nazi Spy* and *A Clockwork Orange*, although being made more than 30 years apart, were both produced by Warner Brothers, a studio with a long-standing reputation for courageous filmmaking.

However, it remains to be demonstrated exactly how the works under consideration engage with ethics. It will be argued that this engagement has two principal elements. First, film is an arena for the construction and transmission of meaning. As Hand has described, it creates a "space", a space of which studio production chief Jack Warner was well aware when he told the *New York Times* that "the visual power of the screen is tremendous". But it

would be simplistic simply to see the filmic text of itself as a discrete entity, the sole purveyor of meaning; there are many agencies involved in a film's construction, transmission and reception, all of which contribute their own perspectives and ethics, and agencies to be considered include the filmmaker (an entity not limited to the producer or director), cinematic technique, characterization which is aligned to but also distinct from the actors playing their parts, the film industry and regulatory bodies such as America's pre-1968 Production Code Administration (PCA) and the UK's British Board of Film Censors as well as government bodies such as HUAC, the contextualizing society and the film audience. It should also be borne in mind that these are not necessarily static categories. For example, a film such as *Confessions of a Nazi Spy* was made at a time when the PCA narrowly proscribed film content (or at least attempted to do so) meaning that films, once having a PCA seal of approval, were available for a whole-family audience. As Krämer describes, in America at least this changed in 1968 with the demise of the PCA and the introduction of the ratings system which restricted not so much subject matter, but the age of intended audiences. In the West, these changes may have taken place towards the end of that decade of cultural upheaval, the 1960s, but, as Hand points out, Bollywood films made today have to be as careful as the makers of *Confessions of a Nazi Spy* 70 years ago:

Mainstream films in the subcontinent are designed to cater for such a wide range of age groups, social classes, caste affiliations, and a multiplicity of ethno-religious backgrounds that delicate areas like sexuality and communalism need to be treated with the utmost caution for fear of causing offense. (Gokulsing & Dissanayaka, 1998).

Moreover, each historical period, from the perspective of its own inevitably subjective stance, will tend to revise judgements that once seemed fixed, for example, films granted "R" (in the United States) or "X" (in the UK) upon their original release have seen this modified upon their subsequent DVD launch as perspectives on what is suitable viewing, and for whom, change across time. Indeed, this leads into the second strand of the argument about film's relationship with ethics. Throughout the chapters, certain terms recur, sometimes being the titular focus. Krämer writes of *A Clockwork Orange*'s "transgressiveness", echoed closely by Schaub's references to "shock value", and Johnson's attention to "new extreme" filmmaking. Seemingly conversely in relation to these culturally oppositional expressions, Miller makes claims for the "courage" of Warners in making *Confessions of a Nazi Spy*, and Neve considers the "morality" of those considering their responses

to the blacklist. However, as if to demonstrate that meaning is *always* in flux, not only across time, Singh considers the “moral ambiguity” of the detective, while Hand acknowledges that a “moral code” may be aligned to “deception”. Throughout the chapters, and indeed throughout cinema, the driving narrative force hinges upon decision-making: *Intimacy* opens with Jay’s decision to try and end a relationship over which he seems to have no control; Warner Brothers had to decide whether to defy the PCA’s strictures to go ahead and make *Confessions of a Nazi Spy*; Cy Endfield and Elia Kazan had to decide whether or not to follow their conscience with regard to HUAC; Keefe posits the spectator as a “decision maker”. However, in each instance what might have been a decision becomes what Hand describes (in her section “the undecidable decides”) as “a terrible dilemma”. There are always at least two alternatives between which the decision-maker is pulled, recalling Hanna Schmitz’s (Kate Winslet) cry “What would you have done?” to the prosecuting counsel in *The Reader* (Stephen Daldry, 2008). As a working class woman in Nazi Germany, Hanna made what was to her a rational decision to take employment that would earn her keep and also hide the illiteracy of which she is bitterly ashamed – so ashamed that she would ultimately face life imprisonment rather than have it revealed. That this work happened to be as an SS guard shows the subjectivity of an ethical perspective, and also forces the spectator to search their own conscience; Schmitz doing her job as a guard would have been an ethical given within the Nazi regime. Of course Nazism was evil, but *The Reader* posits the uncomfortable possibility that at least some of those who, like Schmitz, were caught up in its practices might not have been evil but just pragmatic. How many people today, who fully recognize the evil of Nazism, would necessarily have had the courage to stand against it if they had been in Schmitz’ position? Indeed, Neve draws on this analogy when he quotes Cy Endfield’s conundrum as he considers whether or not to testify to HUAC:

And I thought of the situation of being in Germany, and your best friend was a Jewish doctor who saved your life as a child. And you are coming down the street, and he is being kicked to death by a bunch of SS and Nazi activists. If you don’t put your own foot in they say, “Well, what’s wrong with you, you are under suspicion” (Neve, 1989: 120).

This book will take as its central theme the difficulty of decisions refracted through personal ethical codes, and will thus recognize that what counts as ethics, or morality, is always subjective and the product of a range of competing ethical perspectives which will now be examined.

It might be presumed that in the making of a film (or television programme), the principal guiding force, or ethical vision belongs to the director (supported by the producer and production personnel) and the cast will channel this idea. Certainly most of the chapters are concerned with those who have been known either for a distinctive visual style or for an ideological outlook, each often informing and heightening the other. Stanley Kubrick was a highly influential maverick director who was far too individualistic to ever be categorized as part of a distinct film movement; his box office success with “two of the highest grossing blockbusters of all time (*Spartacus* in 1960 and *2001: A Space Odyssey* in 1968)” allowing him an extraordinary degree of autonomy in his work. John Waters in his early career, working with his Dreamland cast, particularly leading lady Divine, in their hunger for fame, developed, counter to Hollywood gloss, “a code that was at once an aesthetic principle, a marketing strategy, and an ethical practice”. Although corresponding to the art house rather than underground filmmaking, Patrice Chéreau also seeks to push back filmic boundaries in his “explorative extreme cinema”.

The players in the HUAC drama used their filmmaking as an opportunity, before and after the inquisition, to make overt political commentary. Although the decisions through which Elia Kazin’s characters worked *before* HUAC might not have appeared to represent an analogy to their director’s personal choices, for instance Pinky’s choice (*Pinky*, 1949) to remain within her black identity despite her greater freedom in being able to pass for white, his subsequent account of his own decision to inform merges the desire for fame with a seemingly genuine adherence to an individual code that marked Waters’ stance: “I think of the choices I had, that was the right choice . . . As a matter of fact, as the years pass, I’ve been rather pleased with myself for what I did.” Throughout the studio era, or at least until FDR’s death, Warner Brothers was known as the social conscience studio, making films defending the “underdog” in American society, and making critical commentary on abuses in American society as well as implying where America should intervene internationally, whatever ire it might incur from the PCA. *Confessions*’ producer, Hal Wallis, commented: “Because Jack Warner and I were deeply concerned over the crisis in Europe in the late 1930s, we decided to undertake a policy of opposition to Nazism in our pictures, despite the very strong possibility that isolationist elements in America would surely criticise us”, a stance that probably unanimously reflects the attitude of all those involved in the production on both sides of the camera. HBO, producers of *The Wire*, has been seen as inheriting the mantle of Warners’ studio-era crusading as a company that “enlightens, enriches, challenges, involves and confronts. It dares to take risks, it’s honest

and illuminating, it appeals to the intellect and touches the emotions. It requires concentration and attention, and it provokes thought” (Thomson, 1997: 13).

Whilst deliberately dealing in controversial subject matters, the filmmakers discussed in Hand’s chapter remain aware of “the ever vigilant Censor Board which will order the deletion of scenes considered to be unnecessarily provocative” (Ganti, 2004). This is a reminder that filmmakers necessarily practise within the constraints of the film industry and its regulatory bodies, including governmental controls which may set up contrary or at least competing ethical visions around a film. In 1939, both Franklin Roosevelt and Warners faced regulatory strictures. Roosevelt was hampered in his desire to assist Britain and France by a climate of appeasement and isolationism, but sought to negotiate with Congress to revise neutrality legislation, referring by implication to the individual’s ethical code: “I cannot ask that every American remain neutral in thought . . . Even a neutral cannot be asked to close his mind or his conscience”. Warners’ institutional opposition was threefold. First, the Hays Office, a body charged with overseeing film regulation since the silent era, objected that the film would lose Hollywood revenues, as it would alienate German-Americans in the United States and also the Axis and neutral nations overseas. Second, the German Consul in Los Angeles, George Gysell, raised objections with the third regulatory opponent of the film, PCA chief Joseph I. Breen. Although the PCA had a strict list of precluded film subjects, of which foreign commentary was one, as an anti-Semite, Breen’s own personal beliefs clashed with those of the *Confessions* production team, foreshadowing the religious clashes which Hand describes in her chapter on Bollywood.

Made at another phase in the history of censorship, as the PCA had given way to the ratings system, censorship, or responses to it, has a prominent role in the cultural meaning given to *A Clockwork Orange*. An “R” certificate would have meant that children under 17 could have seen the film if accompanied by an adult, thus generating potentially much greater box office receipts, whereas an “X” certificate would have limited audiences to those over 18. It is likely that Kubrick’s auteur status and consistent box office results enabled him to remain within his directorial vision, or ethical code, and insist that the film retained its original content, rather than being tamed by cuts: “Kubrick is thought to have had final cut rights on *Clockwork* so WB couldn’t have battled the rating if it had wanted to” (Anon., 1971). However, added to this is the studio context of Warner Brothers. The social conscience studio of the 1930s, described by Groucho Marx during the making of *Confessions* as the only studio with “guts”, underwent a renaissance in this regard during the late 1960s/early 1970s, giving a comparatively free rein to directors. As *Variety*

noted of *Clockwork*'s certificate in the article quoted above: "Warners is the only major [studio] to have two X features this year, with most of the other companies doing their utmost to avoid the rating" (Anon., 1971).

Facing investigation by a federal government agency rather than a regulatory body, Neve's protagonists also show the multivalence of ethics. It is stereotypical to see "friendly" witnesses to HUAC, those who named colleagues, as standing outside the pale; however, ethical considerations must mean listening to the range of voices. Kazin captures the lack of certainty that is part of the ethical concept: "I was trying to show that right and wrong get mixed up, and that there are values that have to be looked at more deeply than in that absolute approval-or-disapproval syndrome of my Left friends" (Ciment, 1973: 121). This sense of randomness, that meaning is constructed and imposed rather than inherent, is important too for Johnson's work: "The problem is that censors create the concept of obscenity" (Brooks, 2001).

At a more macro level, every film reflects its wider social context. Film is one of the richest sources for the cultural historian, providing not only a snapshot of the modes of speech, fashions and landscape of the times, but more importantly their mood, atmosphere and dominant ideology. It is likely that certain films are the product of a particular moment and could not have been made earlier, and probably not later. As Krämer points out, *A Clockwork Orange* was made at a time in cinema history when taboo-breaking films had popular success. This is partly due to the dynamics of the film industry in an era when directors were given unprecedented freedom, but that in itself is tied to American society's receptivity for such films in the context of the Vietnam War and the Nixon presidency. Just as the violence of *A Clockwork Orange* can stand as a metaphor for war, so too a film set in the historical past may make commentary on its own present day. Neve considers a range of films which made metaphorical commentary on HUAC, from the biblical epic *The Robe* (Henry Koster, 1953), to a Western, *High Noon* (Fred Zinnemann, 1952), to American and French noirs, *Pickup on South Street* (Samuel Fuller, 1953) and *Rififi* (Jules Dassin, 1955), to a contemporary social commentary, *The Underworld Story* (Cy Endfield, 1950), as well as *On the Waterfront* (1954), which may be read as a line-by-line defence for director Elia Kazin's (and screenwriter, Budd Schulberg and cast member Lee J. Cobb) act of informing.

That film is able to act through metaphor underscores its status as a space or arena in which marginalized groups may confront dominant ideology. *Intimacy* depicts "a distinctly British . . . part of social alienation in the 21st century" – just as *A Clockwork Orange* did in 1972. Likewise, Waters' *Dreamlanders* are his "hippie outcast friends", whilst *The Wire*, like Waters' films set in Baltimore some 30-plus years on, focuses on "the lower echelons

of the community". What is evident is that these outsiders have their own moral or ethical codes, perhaps contrary to those of the mainstream, but which necessarily expose hegemonic control. Just as *A Clockwork Orange* is redolent of the hypocrisy of a society which condemns those who enjoy violence whilst its government is supporting an undeclared colonial war in Vietnam, *The Wire* imbues drug dealers and petty criminals with a certain nobility for remaining within their "no snitching" code whilst they are in fact "dispensable commodities to be utilised like fodder, signed up to die like soldiers" – an analogy with the conflict in Iraq, ever lurking on the series' margins.

As Keefe suggests, "any discussion of film needs to treat the film as something in itself – a textual object". Thus the construction of film through cinematic technique is aligned to previously discussed notions of ambiguity and deception, particularly with regard to issues of truth, reality and authenticity, and will lead on to considerations of the agency of characters and their relationship with actors "playing" or performing these parts. Jean-Luc Godard's comment that "Cinema is truth 24 frames per second, and every cut is a lie" is echoed by Michael Haneke: "film is a lie at 24 frames per second". If all non-documentary films are fiction, which is the more "truthful": the classical studio film which effaces technique and purports to be reality, or the art house picture which foregrounds its technique and therefore its textuality but equally remains a work of artifice? Moreover, what is the ethical code propelling the choice?

The production team on *Confessions of a Nazi Spy* went to great lengths to make a picture which was rendered "realistic" by incorporating actual documentary footage and a documentary-style narrator. Every detail was made as accurate as possible, but some of the highly deceptive methods needed to achieve this – the use of a miniature camera, photostatting German Bund literature, and the mooted possibility of joining the Bund – were surely antithetical to the ostensible ethical code of the team, practices that indeed replicated the very actions of the "spies" that were the film's subject. This clearly brings into focus the liminality of ethics. Film technique or an "aesthetic principle" was also central for John Waters. This is explored through the shocking images in *Multiple Maniacs*. For Waters, everything seen is real. Some of the activities are incontrovertibly authentic but others may be staged, which again calls into question whether faithfulness to a code (in this case, Waters' self styled "code of filth") is provable. Implicit in the discourse between authenticity and ethics is the tension between the actor and the character. As Singh notes: "Although characters are not human beings, they are the agents through which human disposition is explored that enables the audience to experience emotions that may be attractive

or repulsive.” Within classical cinema, although the audience is invited to suspend disbelief there remains a tacit understanding that an actor is playing a part. However, film that sets out to push boundaries, such as that of Waters, or Johnson’s “new extreme” cinema, may, as Johnson puts it, “blur the boundaries between performance and the real”. Like Waters’ shocking sights, some of the sex acts in *Intimacy* are palpably real, and performed for the first time within a British mainstream art-house film.

This new authenticity causes “a disruption between actor and character”. Because the actor is physically performing an act, are they themselves or their character having the experience and is it indeed possible to draw an effective demarcation? Returning once more to the construction of meaning through cinematic technique, Johnson refers to “non-sensational camerawork” fixing “the perspective of the spectator”. Ultimately, it is the spectator or audience that remains the final part of the equation of film and ethics, particularly with regard to constructions of reality: “The fact remains that viewing suffering is especially problematic when the object of suffering is presumed to be real” (Boltanski 1991: 23). Similarly, for Schaub, Waters’ construction of authentically “real”, shocking acts, challenges the audience’s ethics, in this context, a sense of “decency”: “Rather than recoil in disgust, however, we watch intently. We, therefore, if we reflect upon it, are forced to acknowledge that we are not decent people.”

Keefe’s phrase “the spectator as decision maker” invokes one of the pivots – the decision – of this book’s discussion of ethics and film. Certainly, film may seek to construct meaning for the spectator, drawing on a mutually recognized experience of “reality”, and this may be a necessary function of the filmmaker’s own code. As Nick Roddick points out in the discussion of *Confessions of a Nazi Spy*, “almost every scene has the feeling of an invisible presence – that of the ordinary American viewer at whom the dialogue is really aimed”. Classical cinematic technique relies on this relationship between spectator and character:

The camera is such a persuasive tool and the absurd idea in fiction of a ‘central character’ so flattering to our sense of individuality that we respond intuitively to anyone who is deemed worthy of close-ups, or who is honoured with the responsibility of providing a voice-over. (Gilbey, 2003: 200)

This practice can be used to unsettle rather than comfort. As Keefe shows, films such as *Psycho* (Alfred Hitchcock, 1960) and *Peeping Tom* (Michael Powell, 1960), through their point of view shots, place the audience in the position of voyeurism, and Krämer points out that one of the ethical dilemmas within *A Clockwork Orange* is that it “aligns the viewer” with

“an extremely violent young criminal . . . throughout his crimes”. Despite the spectator’s unease at implied identification with a killer, or engagement with scopophilia, to believe that the camera constructs a stance that cannot be challenged presents the dichotomous position that on the one hand, a spectator’s own code of ethics is transgressed by the activities with which they are “forcibly” aligned, whilst at the same time they are liberated to enjoy this spectacle – quite literally spectacle in the case of Bollywood, in which “episodes of violence and conspiracy are interspersed with song and dance routines” – because it has been “imposed”, thus retaining the sense that their code remains unsullied, or as Lietch says in discussion of *The Wire*, “the central function of the crime film [is] to allow viewers to experience the vicarious thrills of criminal behaviour, whoever is practicing it, as immoral”. Keefe sums it up: “we watch the otherwise un-watch-able”.

However, spectators remain “decision makers”. As Johnson suggests, “a “morally neutral” perspective is impossible. Taking account of each individual’s personal experience and place in history, all those involved in the production and reception of a film will make an interpretation that responds to their own subjective but equally flawed and valid code of ethics.

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CHAPTER ONE

“RAPE, ULTRA-VIOLENCE AND BEETHOVEN”: THE TRANSGRESSIVENESS AND CONTROVERSIAL SUCCESS OF *A CLOCKWORK ORANGE*

PETER KRÄMER

After consuming spiked drinks in a futuristic bar filled with pornographic furniture, four young men embark on an evening of violence. First they mock and beat up a homeless drunk, then they do battle with another gang who were about to rape a young woman in an abandoned theatre, and after that they steal a car. Finally the gang's leader, Alex, who from the outset has provided a running voice-over commentary on the action using a peculiar slang, talks his way into a house in the countryside, where the four proceed to beat up a man and to make him watch while they rape his wife. Alex returns home and listens to Beethoven's Ninth Symphony. The next morning, he tells his parents that he cannot go to school because he does not feel well. He is visited by his social worker, after which he goes to a record shop where he picks up two young women with whom he proceeds to have sex in his room. He then meets the rest of his gang. An argument ensues and Alex asserts his authority by beating up two gang members. Afterwards, he breaks into the house of a middle-aged woman; he gets into a fight with her and batters her to death with the sculpture of a giant phallus. Waiting outside the house, the other gang members betray him. One of them hits him in the face with a bottle before the police arrive to arrest him.

This is the action – much of it presented in a very graphic manner – of the first third of Stanley Kubrick's film *A Clockwork Orange*, which was released in the United States in December 1971. Within a few weeks of its release, the film was named Best Motion Picture of 1971 by the New York Film Critics Association, and Kubrick won in the category Best Direction (Steinberg, 1980: 269). The film was also listed as one of the year's ten best movies by the *New York Times* and *Time* magazine, and it was nominated for four Academy Awards, including Best Picture, Director and Adapted Screenplay (Steinberg, 1980: 175, 179, 246). By the end of its long run in American theatres, the film had earned \$17 million in rentals, which made

it the seventh highest grossing title among the 432 films released in the US in 1971 (Krämer, 2005: 108; Steinberg, 1980: 43). It would seem, then, that despite its intensely transgressive opening sequence and the equally transgressive rest of the story (in which Alex escapes all punishment in the end), *A Clockwork Orange* was at – or close to – the very heart of American film culture in the early 1970s.

However, the critical reception of *A Clockwork Orange* was by no means unanimously positive; quite on the contrary, the film was highly controversial. Indeed, *A Clockwork Orange* featured prominently in the *Harvard Lampoon's* long-running "Movie Worst" awards. It headed the list of the year's "Ten Worst Movies", while "the entire Society of New York Film Critics" won the award intended to identify "the film critic whose writing has most consistently explored the limits of bad taste" for naming *A Clockwork Orange* the best film of the year (Steinberg, 1980: 330). Critical attacks went beyond matters of taste; as we will see later, several writers accused the film and its supporters of promoting a nihilistic worldview which might encourage, in the world outside the movie theatre, both violent behaviour by members of the audience and political support for repressive state measures against such behaviour.

Thus, *A Clockwork Orange* raises (at least) two very different ethical issues, one to do with the film's success, the other with the attacks on it. At first sight, it is surely surprising that a film which features so much explicit sex and graphic violence focuses on the actions and experiences of an extremely violent young criminal and aligns the viewer with this protagonist throughout his crimes, his punishment and his final release from all constraints, could have been such a huge mainstream success. So how might we explain the success of this morally transgressive movie? In the first section of this essay, I propose to answer this question by looking at hit patterns at the American box office. I show that taboo-breaking films such as *A Clockwork Orange* were very prominent in the box office charts of this period, but not before and after. With regard to the attacks on the film, I then examine the film's provocative marketing and the concerns expressed by film reviewers and other commentators about its possible impact, starting with cautionary remarks by the film's supporters and ending with claims of its most vigorous detractors about the moral shortcomings of the film and of its appreciative audiences.

Box Office Trends

If we want to explain a film’s box office success, we can in principle distinguish between two different basic logics. On the one hand, a film might build on existing hit patterns, intensifying a particular pattern or combining various patterns, so that it can appeal to the cinemagoers whose preferences were responsible for establishing these hit patterns in the first place. On the other hand, a film might be innovative and thus able to meet an established, or emerging, preference among (actual or potential) cinemagoers which had previously *not* been met by the film industry’s output (Krämer, 2005: 38). The box office success of *A Clockwork Orange* can best be explained with reference to both logics being at work at the same time. The film built on several hit patterns established in the late 1960s, and these patterns in turn were innovative in meeting certain audience preferences that Hollywood had not previously catered for.

When examining the annual charts of top grossing movies at the US box office (Krämer, 2005: 105–14), *A Clockwork Orange* stands out in that initially received an “X” rating, which meant that, at first, children under 17 were not allowed to see the film in movie theatres (the rating was changed to “R” in August 1972).¹ Before November 1968 there had been no ratings, because Hollywood regulated its output through the Production Code which for several decades had aimed to make all films, in principle, uncontroversial and suitable for the whole family. However, already in 1966 the American film industry’s major trade organization, the Motion Picture Association of America (MPAA), had in effect suspended the Production Code, because it now allowed films with previously prohibited material to be released as long as they carried the label “suggested for mature audiences”. In November 1968, the Code was officially replaced with ratings which were determined by the film industry’s Code and Rating Administration (CARA) which stipulated whether films were suitable for children or not (Krämer, 2005: 47–9). Consequently, when many of the pre-1966 films were re-released from 1968 onwards, they mostly were rated “G”, which meant that they were considered suitable for all age groups, while quite a few films from the years 1966 to 1968 were given more restrictive ratings. The “M” rating, (later changed to “GP” and then to “PG”) advised parents that a particular film might contain elements unsuitable for their children. The “R” rating prevented children (initially under 16, from 1970 onwards under 17) from seeing the film at a movie theatre unless they were accompanied by an adult.

None of the annual top ten hits released up to and including 1968

received an “X” rating upon re-release. Indeed, none of the top ten hits in the decades after 1973 was rated “X” or “NC-172 (the label which replaced the disreputable “X” in 1990). Yet from 1969 to 1973, in addition to *A Clockwork Orange*, the annual top ten lists included the following “X”-rated films: the highly acclaimed contemporary Hollywood dramas *Midnight Cowboy* in 1969 (winning Oscars for Best Picture, Director and Adapted Screenplay) and *Last Tango in Paris* in 1973 (nominated for Best Director and Actor, but also listed as the year’s worst movie by the *Harvard Lampoon*), as well as the two non-Hollywood hardcore porn films *Deep Throat* (1972) and *The Devil in Miss Jones* (1973).²

In addition to the presence of “X”-rated films in the annual top tens, the late 1960s and early 1970s also saw the inclusion of increasingly transgressive material in “R”-rated movies. Indeed, with only minor changes, both *A Clockwork Orange* and *Midnight Cowboy* (a film featuring, among other things, male prostitution, explicit sex scenes and homoeroticism) were re-released with an “R”. Other “R”-rated top ten films of this period explored the connection between sex and violence which is so central to *A Clockwork Orange*. *Rosemary’s Baby* (1968) features a scene in which the drugged and only semi-conscious young wife is penetrated and inseminated by the devil himself. The story of *Deliverance* (1972) revolves around one of four river-rafting adventurers being raped by two local men. Then, 1973 saw the release not only of *Last Tango in Paris*, which blurred the lines between rape and consensual sex (especially in two scenes featuring anal penetration), but also of *The Exorcist*, the second highest grossing film of the decade 1967–76 when revenues are adjusted for inflation (Krämer, 2005: 110). In this film a 12-year-old girl, possessed by a male-identified demon, spouts incredibly graphic obscenities (such as “Your mother sucks cocks in hell”) and mimicks sexual behaviour, most shockingly when she violently stabs her genitals with a bloody crucifix, doing so in front of her mother, whose face she then pushes into her crotch with the words “Lick me!” Nothing comparable has ever been seen in a major hit movie since then.

The release of *A Clockwork Orange* in 1971 thus came midway through a short period of rapidly escalating depictions of sex, in particular sexual violence, in top ten movies. At the same time, the late 1960s and early 1970s saw the proliferation of hit movies that – just like *A Clockwork Orange* – dealt very sympathetically with criminals. A quantitative content analysis of a representative sample of top ten films has shown that the share of major characters committing crimes rose from 27% in the period 1946–65 to 46% in the decade 1966–75, going down again to 38% for the period 1976–90;

the share of major characters resorting to violence (both criminal and legal) doubled from 19% to 38%, and then went down to 34% (Powers, Rothman and Rothman, 1996: 105).

Among the top ten films featuring criminals, in some cases extremely violent criminals, we find *Bonnie and Clyde* (1967), a film which was widely perceived at the time as marking the beginning of a new era in Hollywood history, the so-called “Hollywood Renaissance” or “New Hollywood” (Krämer, 2005: 1–2). It features two Depression era bank robbers who kill a bank employee, get into extended shoot-outs with the police and eventually die spectacularly in a hail of bullets. 1967 also saw the release of *The Dirty Dozen*, in which violent criminals are recruited for a suicide mission in France during World War II, culminating in a massive slaughter. Similarly violent criminals are at the centre of the heist and car chase movie *The Getaway* (1972), while the bank robber in *Dog Day Afternoon* (1975) is mainly concerned about getting money for the sex change operation of his male lover. Then there is, of course, *The Godfather* (1972), the fifth highest grossing movie of the decade 1967–76, and its sequel from 1974. Both films deal with the history of a crime family, featuring numerous murders of members of rival gangs and the police, and of traitors in the family’s own ranks. By comparison, the protagonist of *One Flew Over the Cuckoo’s Nest* (1975), in a mental institution after having been arrested for statutory rape, starts out rather harmlessly but in the end brutally attacks the head nurse. The prisoners of *The Longest Yard* (1974) channel their violence into a football game against the guards, whereas those in *Papillon* (1973) do everything to escape. In addition, we have the glamorous pair of Robert Redford and Paul Newman in *Butch Cassidy and the Sundance Kid* (1969) and *The Sting* (1973), respectively the sixth and third highest grossing films of the decade 1967–76. The former film deals once again with robberies, a chase and the protagonists’ spectacular death, while the latter belongs to a cycle of hit movies dealing with small-time criminals. These include the con men (and con girl) of *Midnight Cowboy* and *Paper Moon* (1973) and the drug dealers of *Easy Rider* (1969).

In many of these top ten films, the criminals end up dead, even when they are as gentle as the Dustin Hoffman character in *Midnight Cowboy* or the two hippies riding across America in *Easy Rider*. At the same time, for most of the narrative, their life of crime is shown to be exciting, the criminals’ fight against the police or prison guards heroic, their final death tragic.³ *A Clockwork Orange*, which comes out midway through this decade of criminal hit movies, builds on established audience interest in films about criminal outsiders, yet also offers several innovative twists. Rather than

being in the service of larger criminal objectives (making money, taking revenge etc.), the initial violence executed by Alex and his gang is an end in itself; they are violent because they enjoy violence. In addition, unlike the other criminal hit movies, *A Clockwork Orange* foregrounds the pleasures of violence by mixing it with sex.

Furthermore, unlike the endings of almost all top ten crime films, *A Clockwork Orange* does not conclude with the protagonist's punishment, nor with any other indication that crime does not pay. Instead the film's shocking opening third leads into an equally unsettling story in which Alex, now in prison, asks to become the test subject for a new medical procedure, the so-called Ludovico treatment, which combines the screening of violent films with the injection of drugs so as to create in him a strong aversion against the mere thought of violent or sexual action (and, accidentally, also against Beethoven's Ninth Symphony). The prison chaplain objects to this treatment on the grounds that it removes free will and thus, in his view, the patient's very humanity. Once the treatment is completed Alex is released, only to find that his parents have rented out his room and that he can't defend himself when attacked by the drunk he once beat up, and by former gang members who have in the meantime joined the police. He takes refuge in the very house he had previously invaded; the wife he had raped is dead and her husband is in a wheelchair. When the husband belatedly realizes who Alex is, he drives him to a suicide attempt by playing Beethoven's Ninth. This is also meant to serve as a political attack against the repressive government, yet backfires when Alex, now no longer under the influence of the Ludovico treatment, is co-opted by a representative of that government. The film ends with Alex in hospital, listening to Beethoven and fantasizing about sex, while in his voice-over he says: "I was cured all right."

In the end, *A Clockwork Orange*'s criminal protagonist escapes his punishment so that he is free to pursue further sexual adventures and also, perhaps, to continue his criminal career, with government support no less. The film's enormous success derives to a considerable extent from the overall shift in hit patterns at the American box office during the late 1960s and early 1970s, which – for the first and last time in American film history – brought "X"-rated films, films featuring explicit sex as well as graphic violence (including sexual violence), and movies with criminal protagonists to the top of the annual charts. The success of *A Clockwork Orange* was probably helped by the fact that it did not merely follow established patterns but also introduced innovations, notably the protagonist's pursuit of violence for the sake of violence and the (for him) happy ending of the story.

If this analysis helps to understand the film’s success, how might we understand the controversy surrounding it?

The *Clockwork* Controversy

A Clockwork Orange was released by Warner Brothers in the United States on 19 December 1971, being initially shown in only four cities (Anon., 1971a). Such a narrow release shortly before the end of the year was typical for high profile films at the time, because it meant that they were fresh on people’s minds when various lists for the best films of the year and the nominations for major awards were decided upon only a few weeks later. If a film was successful with critics and industry peers, its selection as the best, or one of the best, films of the year could then be used in the film’s advertising when it was released into a larger number of movie theatres across the country – which is exactly what happened with *A Clockwork Orange*.

Apart from the release date, the key decision in presenting *A Clockwork Orange* to the public was to go with the “X”-rating given to the film by CARA, rather than re-editing it so as to get an “R” for the initial release (such re-editing only took place later in 1972). An article in *Variety* from 15 December 1971, which for the first time announced that the film was rated “X”, suggested that accepting the “X” may have been Kubrick’s decision, rather than that of the studio financing and distributing the film: “Kubrick is thought to have had final cut rights on *Clockwork* so WB couldn’t have battled the rating if it wanted to”. If Kubrick did indeed have the extremely rare right to determine the “final cut” of the film, he must have gained it on the basis of his outstanding track record, having produced four commercial (as well as critical) hits in a row since 1960, comprising two moderate box office successes (*Lolita* in 1962 and *Dr. Strangelove* in 1964) as well as two of the highest grossing blockbusters of all time (*Spartacus* in 1960 and *2001: A Space Odyssey* in 1968) (Krämer, 2010: 32–3, 93).

Irrespective of Kubrick’s contractual power, however, the *Variety* article implied that the film’s distributor was quite willing to accept the “X” rating: “Warners is the only major [studio] to have two X features this year, with most of the other companies doing their utmost to avoid the rating”.⁴ Indeed, during the twelve months from November 1970 to October 1971, only three out of 238 films submitted to CARA by the major studios and the leading “minors” had been rated “X”, that is only about 1% of their overall output; this was down from 4% in the preceding two years (Steinberg, 1980: 402). For the twelve months from November 1971 to October 1972, only

one film submitted by the majors and leading minors received an “X”. This was *A Clockwork Orange*, for which CARA issued a ratings certificate on 15 December 1971, only four days before the film’s release.⁵

Although Kubrick and Warner Brothers had probably been informed about CARA’s decision earlier than that, there must have been some uncertainty surrounding the “X” for *A Clockwork Orange*, because the initial print ads, radio spots and theatrical trailers, which were launched just over a week before the film’s release, did not yet give any information about its rating (Anon., 1971a). *Variety* was apprehensive about its commercial implications: “The X-tag is known to cut into the number of dates a film can play in the US, though what that means to ultimate boxoffice is difficult to determine” (Anon., 1971a). Indeed, up to 50% of exhibitors in the US said they would refuse to show “X”-rated movies (according to a 1969 poll cited in Farber, 1972: 48; see also Farber and Changas, 1972, cited in Wyatt, 2000: 244).

Thus, the “X” rating was very divisive, separating theatres willing to show films with this rating from those that did not show them. A survey conducted in July 1973 suggested that cinema audiences were similarly divided (although we have to be careful about projecting these results back to the early months of the release of *A Clockwork Orange*; by July 1973 “X” had become closely associated with hardcore pornography: Wyatt, 2000). When a representative sample of people 18 and older were asked about their “least preferred type of movie”, the category “X-rated” received far more votes than any other (34% of the total; the second most prominent category was “Horror/Monster” with 23%) (Newspaper Advertising Bureau, 1974). Perhaps not surprisingly, women objected to “X”-rated films more strongly than men did; 45% listed them as their least favorite film type. Quite astonishingly, 10% of male respondents declared “X”-rated films to be their “most preferred type of movie”.⁶ It would seem, then, that the “X” rating set both movie theatres and audience segments against each other, notably men against women.

To some extent, the marketing campaign for *A Clockwork Orange* intensified the divisiveness of its rating. The theatrical trailer consisted of a rapid montage of extremely brief shots, in some cases consisting of only a few frames. It intercuts action taken from the film, containing plenty of violence, with sexual imagery taken from poster art and words flashing on the screen. Many of these words – such as “witty”, “comic”, “exciting”, “thrilling” – suggested that the film would be a lot of fun, which one might find to be ironic, provocative or plainly offensive. The film’s main poster consisted of a painting of Alex staring at the viewer, while pushing a knife

towards them, above it the tagline: “Being the adventures of a young man whose principal interests are rape, ultra-violence and Beethoven.” (This was, in fact, reminiscent of the initial tagline for Warner Bros’ earlier groundbreaking hit *Bonnie and Clyde*: “They’re young . . . they’re in love . . . and they kill people”: Hoberman, 1998: 125).⁷ In some versions of the *Clockwork Orange* poster, the drawing of Alex was combined with that of an almost naked woman on her knees, leaning suggestively forward.

By March 1972, this provocative marketing, together with a large amount of extremely hostile press commentary on the film, resulted in a drastic measure taken by the *Detroit News*. Responding specifically to the release of *A Clockwork Orange*, the paper announced in a widely publicized editorial on 19 March that from 26 March it “no longer will publish display advertising [for] – or give editorial publicity to – X-rated motion pictures and those other unrated pictures, which, in our judgment, are of a pornographic nature.”⁸ Among other things, this meant that the paper would no longer review “X”-rated films. By this time about 30 American newspapers had a similar policy regarding films rated “X” by CARA, considering them all as equivalent to hardcore pornography or “sadistic violence”, which they felt should in no way be supported (Anon., 1972a). At a time when print advertising for movies, together with the free publicity provided by articles in newspapers and magazines, was much more important than brief trailers or film programmes shown on television (and also, probably, more important than poster displays and radio ads), this was a serious restriction.

However, most of the thirty papers mentioned above most likely continued, as the *Detroit News* said it would, to offer minimal information about “X”-rated films in their movie listings, and also to report on “general news developments concerning such pictures”; indeed, on 9 April 1972 the *Detroit News* printed a letter from Stanley Kubrick which attacked the paper’s policy and also offered a defence of *A Clockwork Orange* (Anon., 1972a). Thus, an “X”-rated film like *A Clockwork Orange* would have neither ads nor reviews or puff pieces in many newspapers, yet if it was controversial enough or made the news in any other way, these papers would still have to report on it.

Let’s take a look now at what exactly the film’s detractors objected to.⁹ Already the reviews in the trade press, which were aimed at industry insiders and mainly focused on a film’s commercial potential, raised some concerns. *Variety*’s highly positive review characterized *A Clockwork Orange* as “dispute-generating”, noted that it was “not for weak stomachs” and bemoaned the fact that the “X-rating will preclude attendance by many who would appreciate” the film (Murphy, 1971). The even more

enthusiastic reviewer of the *Hollywood Reporter* also highlighted the “X” rating, condemning it for its “arbitrariness and stupidity” (Fisher, 1971). Both writers were nevertheless convinced of the film’s “broad audience potential” which would make it “a big success”. The *Motion Picture Herald*, which judged the film to be “excellent”, agreed that its “box office outlook [is] limitless . . . despite the X rating”, yet suggested that it would appeal most to those in the 18–30 age bracket (Anon., 1972b).

Variety mentioned that due to the film’s “comic horrors”, “outrageous vulgarity” and “stark brutality” as well as its “opaque argument for the preservation of respect for man’s free will”, viewers would only be able to “find perverse solace” in it. This phrase suggested that the film did not provide audiences with the traditional pleasures of mainstream cinema and instead appealed to a certain “perversity” in them. Similarly, the *Hollywood Reporter* described the film as “a black, perverse, extraordinarily exhilarating tribute” to “the unregenerate human spirit”. In this way, trade press reviewers acknowledged that both the film and anyone who liked it might be called “perverse”, and at the same time criticized the film industry’s ratings system for restricting access to what they considered to be a timely masterpiece.

Similarly, ambivalent and hostile reviews of the film in the general press were not only concerned about filmic qualities to do with style, story and theme, but also about the state of Hollywood, of American culture more generally, indeed of American society. They took the release of *A Clockwork Orange* to be a problematic, if not downright negative expression, or indication, of what they perceived to be disastrous developments in the United States. I have mainly looked at reviews from New York and Los Angeles based publications, which were, in fact, overwhelmingly very positive (leading the New York Film Critics Association to choose *A Clockwork Orange* as the best film of 1971). Like the two trade paper reviews, some of these positive notices objected strongly to the “X” rating (e.g. Reed, 1971). At the same time, the reviews praising the film also raised a number of concerns. Several found fault with its filmic qualities, judging it to be “curiously static and overlong”, “icy and abstract” (Champlin, 1971); or “a little too neat and too cold”, without “a sense of grief or of rage” (Cocks, 1971). Some generally supportive reviewers also found the film simply hard to make sense of, for two reasons; first of all, because of the slang used by Alex and his gang, secondly because they felt that the film’s answer to the questions it posed about violence, morality and the state was unclear: “The act is great, the answer enigmatic, muffled . . . It is the kind of picture that can be studied more readily than enjoyed” (Winsten, 1971).

In addition, there were concerns about the film’s sheer unpleasantness. The reviewer in the *New York Daily News* felt it necessary to warn readers that *A Clockwork Orange* “may offend (it very nearly makes me nauseous)” (Carroll, 1971). In the *New York Morning Telegraph*, Leo Mishkin (1971) went even further: “It’s a shocking, stomach-turning, vomitous motion picture, but more awful than anything else, it may just possibly prove to be true as well.” While these generally positive reviews implied that such unpleasantness was probably a worthwhile, even necessary challenge for the film’s viewers, in a glowing review in the *New York Times* Vincent Canby (1972) worried that “there may be a very real problem when . . . such stylized representations [of violence] are seen by immature audiences”.¹⁰ He thus seemed to raise the possibility that the film might traumatize such audiences or even move them to engage in violence themselves.

As can be expected, negative reviews of the film took up many of the above points of criticism and concern, both intensifying and extending them. Thus, the *Nation* complained that *A Clockwork Orange* combined “nauseating viciousness” with too much “tinsel”, that is stylistic flourishes getting in the way of conveying the “central proposition” of Burgess’ novel (Hatch, 1972).¹¹ Gail Rock, of *Women’s Wear Daily*, found the film “interesting and well done, but totally unlikable”, and judged its “nonsense-syllable futuristic slang” to be “an annoying contrivance” and its representation of women to be exploitative; in her view, the film failed to convey the novel’s message about free will because “there is not a character here to care about nor a point of view to embrace” (Rock, 1971).¹²

For some reviewers, the film’s failings were a matter of broader concern, because they raised questions about the state of contemporary cinema, even contemporary society. Thus, the *Christian Science Monitor* questioned the ratings system when concluding its review with the statement: “it’s a film so repellent its ‘X’ rating seems not warning enough” (Anon., 1971b). Clayton Riley, whose attack on the film in the *New York Times* was printed opposite Vincent Canby’s glowing review which I cited earlier, covered all angles by describing the film as “a monumental bore, a fitful parade of those technical bonbons that characterize our television commercials”. He then laid into its supporters among critics and audiences, who, he wrote, “delight in deciphering [art], as if by doing so they became the possessor of some mystical insight, some delicious new registration of depravity” (Riley, 1972). This, for him, was not just a matter of bad taste and pretentiousness. With reference to Charles Manson, My Lai and Nazi terror, Riley objected to what he regarded as the film’s central idea: “the will to perpetrate evil is better than no will at all”. What is more, he feared that the film might

actually inspire real-life violence: “Enough brutality of an instructive nature is contained in *Orange* to provide a manual for the needs of every street gang and knuckle society in the US.”

In an equally comprehensive critique of the film in the *Village Voice*, Andrew Sarris pointed, like many other critics, to the attractiveness of its protagonist and to what, in his eyes, amounted to the film’s apologetic account of his deeds: “Alex and his friends are left off the hook. Anything this particular society gets, it asks for in the vile literalism of its lewdness” (Sarris, 1971; see also Staiger, 2003: 48–9). Then, in an ambiguous statement apparently referencing depictions of violence in other films and elsewhere in popular culture as well as real-life violence, Sarris turned apocalyptic: “What frightens me is the chaos that engulfs us all. I am tired of the cult of violence. I am tired of people smashing other people and things in the name of freedom and self-expression.” This would appear to raise the spectre of the film’s violence spilling over into the auditorium and into the streets, while also giving expression to Sarris’ very negative view of where American culture and society were currently heading.

After these initial reviews, which mostly concentrated on this one film, had come out, *A Clockwork Orange* proceeded to become the focus of more general attacks on Hollywood and what were perceived to be troubling tendencies in American culture. Most notably, in February 1972 Fred M. Hechinger attacked *A Clockwork Orange* in an article entitled “A Liberal Fights Back” in the *New York Times* as a film which promoted “the thesis that man is irretrievably bad and corrupt”, an idea he considered to be the very “essence of fascism” (Hechinger, 1972). He argued that only “the repressive, illiberal, distrustful, violent institutions of fascism” could “be built on that pessimistic view of man’s nature”. For Hechinger, *A Clockwork Orange* was only the most egregious example of a widespread trend in Hollywood, which was rooted in the “deeply anti-liberal totalitarian nihilism emanating from beneath the counter-culture” that the studios had previously courted with a series of “mindless youth-culture exploitation” films. (Among the films Hechinger mentioned were two of the hits I have listed above: *Easy Rider* and *The French Connection*.) According to Hechinger, these filmic trends had strong political implications: “It is precisely because Hollywood’s antennae have in the past been so sensitive in picking up the national mood that the anti-liberal trend” should be taken seriously as an indication of a fascist disposition in American society.

The following month saw another high profile statement about *A Clockwork Orange* and the perceived crisis in American culture, this time from what appeared to be a very different political direction. Directly