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**Cinema, Censorship
and Sexuality 1909-
1925**

Annette Kuhn



Cinema, Censorship and Sexuality 1909-1925

First published in 1988. This book shows how censorship as a set of institutions, practices and discourses was involved in the struggle over the nature of cinema in the early twentieth century. It also reveals the part played in this struggle by other institutions, practices and discourses — for example ‘new’ knowledge about sexuality and organisations devoted to the promotion of public morality. Instead of censorship simply being an act of prohibition by a special institution, this work reveals the issues at work were far more complex and contradictory — opening up critical scrutiny and challenging assumptions. This title will be of interest to students of media and film studies.

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Annette Kuhn

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Dedicated to
the memory of my father,
Henry Philip Kuhn

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General Editor's Preface

The pre-eminent popular art form of the first half of the twentieth century has been the cinema. Both in Europe and America from the turn of the century to the 1950s cinema-going has been a regular habit and film-making a major industry. The cinema combined all the other art forms – painting, sculpture, music, the word, the dance – and added a new dimension – an illusion of life. Living, breathing people enacted dramas before the gaze of the audience and not, as in the theatre, bounded by the stage, but with the world as their backdrop. Success at the box office was to be obtained by giving the people something to which they could relate and which therefore reflected themselves. Like the other popular art forms, the cinema has much to tell us about people and their beliefs, their assumptions and their attitudes, their hopes and fears and dreams.

This series of books will examine the connection between films and the societies which produced them. Film as straight historical evidence; film as an unconscious reflection of national preoccupations; film as escapist entertainment; film as a weapon of propaganda – these are the aspects of the question that will concern us. We shall seek to examine and delineate individual film *genres*, the cinematic images of particular nations and the work of key directors who have mirrored national concerns and ideals. For we believe that the rich and multifarious products of the cinema constitute a still largely untapped source of knowledge about the ways in which our world and the people in it have changed since the first flickering images were projected on to the silver screen.

Jeffrey Richards

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Jane Caplan, Philip Corrigan, Philip Drummond, John Hayes and Jill Julius Matthews gave advice on the conduct of the inquiry, or read and commented upon various written drafts; and Basil Bernstein came up with encouragement and practical assistance when it was most needed. In turning the thesis into a book, I have been much encouraged by Jeffrey Weeks and Jeffrey Richards. None of the individuals who helped in these ways are to be held responsible for the shortcomings of the final product, however. The University of London Library provided me with a quiet place to work; so, at a particularly difficult time, did my friends Diana Woodward and Jean Glasscock of Sheffield, and Brodnax Moore and Annie Fatet of Hebden Bridge.

Work-in-progress on the project has been presented at the Annual Conference of the British Sociological Association, Cardiff, April 1983; at the Annual Meeting of the Society for Cinema Studies, New York University, June 1985; and at the Power Foundation, Sydney University, June 1986. Earlier versions of chapters 4 and 5 have been published respectively in *The Power of the Image: Essays on Representation and Sexuality* (London: Routledge & Kegan Paul, 1985); and in *Screen*, vol. 27, no. 2 (1986). Extracts from Crown-copyright records in the Public Record Office appear

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by permission of Her Majesty's Stationery Office. The picture of Lois Weber at work was supplied by the National Film Archive; and stills – produced by Jim Adams – from Samuelson films appear courtesy of the Samuelson Family Archive.

Annette Kuhn
London, May 1987

Abbreviations

BBFC	British Board of Film Censors
BSHC	British Social Hygiene Council
CEA	Cinematograph Exhibitors' Association
LCC	London County Council
MCC	Middlesex County Council
NCCVD	National Council for Combating Venereal Disease
NCPM	National Council of Public Morals
NVA	National Vigilance Association

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1

Investigating Film Censorship

I try to study the play and development of a set of diverse realities articulated on to each other.

Michel Foucault, 1981

Questions of censorship

The title of this book suggests a rather diverse set of concerns. But the point of entry for this inquiry into cinema, censorship and sexuality is quite specific: the story begins with the birth of film censorship in Britain. It proceeds eventually to a consideration of how institutions and practices of film censorship were involved in the constitution of cinema as a public sphere of regulation. Along the way, institutions, discourses and practices which might at first sight appear to have little or nothing to do with the censorship of films are drawn into the investigation. And in the process, the concept of censorship itself is subjected to critical scrutiny and redefinition.

My inquiry has a quite limited time frame, in that it focuses on the years between 1909 and 1925. Periodisations of this sort can be misleading in their promise of precision, for historical events are rarely capable of being pinned down temporally to exact beginnings and ends, but in the present case there are a number of arguments in favour of this strategy. In 1909 the Cinematograph Act, the earliest British legislation relating specifically to cinema, entered the statute book. Although not originally framed as a censorship measure, the Cinematograph Act soon came to constitute the legal underpinning of a variety of film censorship practices. Its passage can thus be considered a key moment in the history of film censorship in Britain. While the year 1925 may offer no such clear mark of transition, it is taken as the endpoint of investigation because the various institutions and practices which were to govern the subsequent conduct of British film censorship were not really in place until the mid-1920s.

The years between 1909 and 1925 are important because they constitute a period of uncertainty – even of struggle – over the means by which cinema was to be understood, defined and regulated. The entire period, in fact, may be regarded as an extended moment of risk. During these years not only were the forces at work in film censorship more exposed, more in

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danger, than they would ever afterwards be, but the institution of cinema was itself in process of becoming. As an industry, cinema was beginning to establish itself as a social and economic force to be reckoned with; while as a form of representation it was developing conventions which would privilege highly specific approaches to cinematic narration and ultimately secure lasting dominance for the fiction feature film.

In taking film censorship in Britain as a point of departure, this study draws on other work on the subject. In the end, though, it constructs its object – censorship – rather differently. Existing studies of censorship tend to be dominated by what I shall call a ‘prohibition/institutions’ model. Within this frame of reference, censorship is understood first and foremost as an act of prohibition, excision, or ‘cutting-out’ – a practice through which certain subjects are forbidden expression in representations. Debates on censorship, both pro- and anti-, invariably see it as a prohibitive process, assuming that a censored text, by distorting ‘reality’ or in some other sense falling short of it, is in some sense partial in its representation.

This view is grounded in a distinction between a ‘real’ world of social action on the one hand, and texts and representations on the other. It assumes, moreover, that the ‘real’ constitutes a kind of self-evident truth, a truth that should – or in certain circumstances should not – be reflected in representations; and that censorship stands, rightly or wrongly, in the way of this process of reflection. All this assumes a subordination of representation to ‘reality’, some consequences of which will be explored later in this chapter.

At this point, though, I shall simply note that the prohibition model constructs censorship as a *problem* of a certain kind: a problem, basically, of ‘interference’. This interference seems automatically to demand either justification or condemnation. This approach characterises a substantial body of writing on censorship and cinema, from the early arguments against the political censorship of films put forward in Dorothy Knowles’s book *The Censor, the Drama and the Film*, through arguments advanced in the 1970s by the Festival of Light in favour of tighter moral censorship, to libertarian counterarguments by the likes of John Trevelyan, film censor during the ‘permissive’ 1960s, and the more recent equivocations of the Williams Committee in its report on obscenity and film censorship.¹

The question at the centre of all of these studies, however, is the extent to which prohibitions on the content of films constitute a justifiable exercise of power in a ‘free’ society. The prohibitive power at issue might be held by the state or by other bodies holding claims to legitimate authority, but whatever its source, the power at stake in the prohibition model of censorship is always exactly a power of repression, of ‘no-saying’. To question this model is by no means to deny that censorship has anything to do with power. On the contrary, what I want to suggest in fact is that an

understanding of power as a purely prohibitive gesture – especially where the object of prohibition is taken to be the representation of some pre-existing reality – does not go far enough, and may actually inhibit our understanding of how, and with what effects, the powers involved in film censorship work.

The prohibition model of censorship is usually associated with a further assumption: that censorship is something that takes place within certain organisations, especially in organisations with an explicit institutional remit to censor. This composite is the ‘prohibition/institutions’ model, which constructs censorship as an activity guided by practices of exclusion, and locates those practices in organisations such as boards of film censors, or in institutions whose activities impinge directly upon those of censorship bodies. Among the latter, the law and the film industry have figured most prominently in the literature on film censorship. Accounts of film censorship in Britain as it has affected (and sometimes from the point of view of) the film trade appear, for example, in a number of general histories of British cinema,² while the involvement of laws and legal institutions in the censorship of films is dealt with historically, comparatively and authoritatively by Neville March Hunnings in his book *Film Censors and the Law*.³

But if any coherent body of work on film censorship in Britain – as opposed, that is, to brief surveys and isolated, if influential, studies of the subject – can be identified, it takes the form of a set of studies in political history which deal primarily with censorship organisations, and with the British Board of Film Censors in particular. This work includes accounts of the political complexion of British governments of the 1930s and how it is reflected in film censorship practices of the period, of film censorship during World War II and its relation to government policies on wartime propaganda, of the hegemony of the British establishment as expressed in film censorship during the 1930s, and of the history of the British Board of Film Censors from its inception until 1950.⁴ As a body of work, it concerns itself with political as opposed to moral censorship, and discusses censorship as an effect of the policies and interests of various British governments. In assuming that film censorship is basically an activity of a specific censorship organisation, subject in whatever degree to government pressure, it operates an institutional model of censorship. And to the extent that it regards the British Board of Film Censors as an agency of exclusion or limitation, it is grounded in a prohibition model.

In understanding censorship as a prohibitive activity on the part of a self-contained and predefined set of institutions, the prohibition/institutions model takes censorship as a given, and reifies it. If this model provides a certain purchase on the historical study of film censorship, this is only because it constructs, *a priori*, an object of inquiry which is relatively amenable to empirical investigation. By the same token, though, the defi-

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nition of censorship which both emerges from and sustains the prohibition/institutions model is a constricting one, for it allows only one story – and not necessarily the most interesting or important one – to be told about film censorship.

The prohibition/institutions model effects a prior limitation of its object – censorship – with several significant consequences. First of all, the focus on concrete institutions – even where these are not confined to censorship bodies – *isolates* censorship practices from their broader social and historical conditions of existence and effectivity. Second, to assume that censorship only prohibits or represses is to forget that censorship might equally well be *productive* in its effects. Finally, although the prohibition/institutions model does permit the question of *power* to enter into considerations of censorship, the negative, institution-based power it assumes is overly static and univocally deterministic.

Text, context, apparatus

In studies of censorship and cinema, the shortcomings of the prohibition/institutions model are nowhere more evident than when it comes to looking at films. This is particularly true as regards the question of power, for the prohibition/institutions model constructs film censorship basically as a one-way street, something that is *done to* films. Within this perspective, films are seen as caught up in institutions which already possess the power to determine their character or their content through the deployment of pre-existing prohibitions. Films, given such assumptions, are constructed as merely inert, passive objects.

In other words, in the prohibition/institutions model films are seen as subordinate to laws, rules and procedures of censorship, and to the structure and organisation of censor boards and other institutions. While individual films are often discussed, sometimes at length, in this context, their status invariably remains secondary. At the very most, legal actions or other controversies over particular films might be treated as heralding reforms in censorship laws, or as challenging government policies.⁵ At work in the prohibition/institutions model and its subordination of the film text, therefore, is a determinism which holds that films are shaped by institutional practices and can be seen only in terms of their absences, of what has been actively denied expression in them.

Governing as they do historical studies of film censorship, these assumptions form part of a more extensive discursive strategy, a strategy which constructs the intellectual field of film history and governs the conduct of inquiries into the history of cinema. This is an insistence upon a separation between social structures and institutions on the one hand and representations on the other, with a concomitant subordination of the latter to the

former.⁶ This in turn produces a dichotomy which structures the entire field of film studies: the dualism of text and context. The text-context dualism constitutes film texts and the social, historical and institutional contexts in which films are produced, distributed and consumed as distinct objects of inquiry, so rendering virtually insurmountable the task of exploring, without recourse to determinism, their interaction.

A whole series of conceptual and methodological consequences sustains, and flows from, the division of texts from contexts. In particular, distinct systems of thought are deployed in the theorisation of each, and their investigation is governed by different methodologies. In studies of cinema, the conceptual realm of the film text is inhabited by semiotics-based criticisms which, taking meaning as their starting point, construct texts as processes of signification, often constituting them, in abstraction from the social, as more or less self-contained objects.⁷ The terrain of contexts, on the other hand, is marked out by institutions, social relations and social practices surrounding the production, distribution and exhibition of films; thinking in these areas tends to hold contexts as determining and texts as determined.

Each system distinguishes itself from the other by drawing a line of demarcation between representation and a 'real world' of social practice. This demarcation process works in effect as a policing of boundaries between disciplines and modes of inquiry, and between their respective practitioners: if texts are the province of the semiotician and the critical theorist, then contexts are the property of the social scientist and the historian. But if the study of cinema calls for a crossing of disciplinary boundaries, such divisions are perhaps less easily ignored in film studies than in more established fields of knowledge. And indeed, there have recently been attempts by historians of film to grapple with some of the problems posed by the dualism of text and context. The writers concerned do, however, continue in some measure to accept the basic terms of the dualism,⁸ perhaps because, formulated in terms of text and context, a project of redefinition is in the final instance impossible.

For the text-context dualism constructs a conceptual and methodological gulf which is unbridgeable within the terms of any of the systems of thought sustaining it. Nevertheless, since the prohibition/institutions model of film censorship is complicit in the dichotomy of text and context, some attempt to resolve the latter at a methodological level is obviously called for here. But if by resolving the dualism is implied some merging together of text and context, then resolution is clearly not possible: an unravelling, perhaps, or a deconstruction, might be more to the point. If the text-context dichotomy is to be transcended, therefore, we must abandon the dualistic thinking which produced the impasse in the first place.

The nub of the problem is that the text-context dualism proposes a

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distinction between representations and institutions. Therefore any attempt at a methodological breakthrough must begin with a challenge to this distinction. It might be productive, for instance, to stop regarding representations as objects confined to a 'cultural' realm, and stop seeing institutions as locked into a sphere of the 'real'. Meaning would then be liberated to enter the social, and the social to inhabit meaning, and both to be understood as practices and processes rather than as static objects. This would at least admit a greater fluidity into conceptualisations of relations between practices than is possible in those areas of knowledge sustained by the text-context dualism.

What would be the hallmarks of a historical study of film censorship which sought to free itself of the restrictions imposed in general by the text-context dualism, and in particular by the prohibition/institutions model? Such an inquiry would first of all aim to take into account the conditions of operation and effectivity of film censorship. Under this heading might be included the practices of concrete institutions, among them those devoted to the censorship of films; but such institutions would be seen not in isolation but as both active and acted upon within a wider set of practices and relations. Second, the productive capacity of film censorship, as activated in the interrelations of various practices, would require acknowledgment. Third, the nature of the powers involved in film censorship would be re-examined. And fourth, film texts would be rescued from their subordination to contexts and accorded a place, an instrumentality in their own right, among the various practices which constitute film censorship.

The question for such an inquiry would be not so much what film censorship is, as how it works. The object of inquiry is transformed, then, and censorship ceases to be a reified and predefined object, becoming instead something which emerges from the interactions of certain processes and practices. Censorship, in short, would be seen (to adopt the terminology of Michel Foucault) as part of an apparatus, a *dispositif*,

a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions.

An apparatus, according to Foucault, is more than merely the sum total of a series of variegated components. Its most important characteristic is its *activity*, the interactions between its parts – its practices and processes. These interrelations are always fluid, always in a state of becoming, always 'inscribed in a play of power'.⁹

Censorship can be regarded, then, as an activity which participates in an apparatus, in a set of practices whose interrelations are imbued not so

much with power *tout court* as with the 'play' of power. Power, in this model, is a process, precisely a holding-in-play,

a network of relations, constantly in tension, rather than a privilege that one might possess. . . . In short, this power is exercised rather than possessed.¹⁰

If power is a relationship – or rather a set of relations or field of forces – it is not of itself susceptible to observation, at least in any positivistic sense; nor indeed does it reside in any particular individuals or institutions. Power is all-encompassing, a web that enmeshes the entire field of the social. This notion of power, as Foucauldian terms such as 'network' and 'domain' imply, is usefully understood in spatial and relational terms.¹¹ But while power might be everywhere, each apparatus embodies a unique configuration, a unique 'network', of powers. The apparatus does not, however, exist prior to its powers. Power, in other words, emerges – it is produced – in specific instances, in concrete sets of relations.

Important among the relations in which power is produced, suggests Foucault, are 'certain co-ordinates of knowledge':

there is no power relation without the constitution of a field of knowledge, nor any knowledge that does not presuppose at the same time power relations.¹²

Relations of power may operate, therefore, in the service of producing and regulating the 'truth', especially as 'truth' governs the constitution of particular forms of knowledge. In certain circumstances, therefore, power and regulation can be productive, rather than – or as well as – repressive, operations.¹³ Regulation, in consequence, may be understood not so much as an imposition of rules upon some preconstituted entity, but as an ongoing and always provisional process of constituting objects from and for its own practices.

Power, so conceptualised, is impossible to pin down to any positive prior definition. It becomes much easier, in fact, to see power in terms of what it is not. Power is not a thing, nor is it located in any particular place; it is not held by specific institutions, nor is it to be regarded as a hidden logic of history. Even such a negative understanding of power offers a challenge to the crudeness and determinism of many existing definitions of the term. The strength of this approach – which permits power to be understood as process, as activity – is that it allows for the conceptualisation of unevenness, resistance, conflict, and ongoing transformation in relations of power. And the notion that power can actually be productive in certain ways subjects to question the widely-held view that it works primarily as a machinery of repression.

But if power relations, thought in this way, can neither be directly observed nor theorised in advance, how can they be investigated? How can

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something so dynamic and fluid ever be subjected to inquiry? At an abstract or a general level, in fact, it cannot: it has to be seen in operation, for power relations can only be analysed at work in specific social and historical 'instances'. This shift of perspective on power and its operation immediately brings into focus new objects and procedures of inquiry. Above all, as far as the present investigation is concerned, the text-context dualism is not resolved so much as made redundant. Investigation directs itself not at texts or at contexts, nor at organisations and rules of exclusion, but at the nature of the practices, relations and powers involved in film censorship, and at what these produce – their effectivity – at particular moments in history.

In an investigation of this sort, it is unnecessary – indeed it would be counterproductive – to start out with any predefined notion of film censorship, or with assumptions about where censorship takes place and with what outcomes. The task of setting out the terms of inquiry is approached differently: film censorship ceases, in any *a priori* sense, to be the object of investigation. It is replaced instead by a focus upon 'events' or 'instances'. The question for the investigator then becomes: how, where, and with what consequences does censorship emerge from the 'heterogeneous ensemble' of practices and relations which constitute any one instance?

This kind of approach has been termed variously 'causal analysis' and 'eventalisation'. Film historians Robert C. Allen and Douglas Gomery, following Roy Bhaskar, advocate a Realist approach to film history, an approach which consists in a recognition that the object of study is not so much an historical event *per se* as the 'causal mechanisms' that brought it about. Causal analysis involves first of all redescription of the event with a view to uncovering the possible causal mechanisms underlying it, and second, analysis of these mechanisms.¹⁴ This procedure appears to be similar in certain respects to the method termed by Foucault, with reference to his history of the prison, 'eventalisation' or 'causal multiplication'. This 'consists in analysing an event according to the multiple processes which constitute it'.¹⁵

While for either of these approaches the event itself may be real, its generative mechanisms, its *dispositif*, are not open to direct observation. They are, nevertheless, available for investigation in the sense that they can be uncovered, or recovered, by means of analysis or 'diagnosis'. The starting point of analysis is a 'snapshot', so to speak, of an historical moment, of an instance or set of practices. The web of 'force relations' at work within that instance is then unravelled, and scrutinised in its actual operation.

Events and instances

What is the potential of this kind of approach for the present inquiry, whose starting point is the birth and early years of film censorship in Britain – for a project, that is, whose object is in some sense already defined? As I have argued, the conceptualisation of film censorship brought into focus by the notion of the apparatus brings about a reformulation of the very object of investigation. This is underscored by the strategy of eventalisation and the activity of diagnosis. Film censorship becomes an activity embedded within an ensemble of power relations, whose operation can be unpicked through attention to particular events and instances. Even if the latter might present themselves for investigation in the first place because they appear to involve film censorship in its taken-for-granted sense as an institutional practice of prohibition, the activity of diagnosis reveals that a great deal more than this is at stake.

It is in the nature of this approach that its productivity is not readily demonstrable in advance, emerging only in actual performance. Thus while my inquiry concerns itself with events surrounding the censorship of films in the years between 1909 and 1925, it is centred on a set of three case histories, analyses of historical instances involving censorship. In these instances the powers at work in the censorship of films are not merely observable, but can actually be scrutinised in action. The case history approach offers practical demonstration that discourses, practices, and powers emerge as processes in their instrumentality in concrete historical instances, and can be neither defined nor fixed in any way prior to their operation in such instances.

The case histories are discussed in chapters 3, 4 and 5 of this book. The starting point of each one is a particular film or group of films, all commercial fiction features, British and American, produced between 1909 and 1925. Chapter 3 looks at events surrounding the arrival in Britain of a Hollywood feature film whose story centres on the practice of abortion by an upper-middle-class woman, in chapter 4 a series of fiction films 'about' venereal diseases is discussed, while chapter 5 deals with a narrative film co-written by birth control campaigner Marie Stopes. Each of these films or groups of films became caught up, in different ways, in processes of censorship. And each of the three cases is treated as an 'event' and analysed with the object first of all of revealing the configuration of forces at work in each instance, and ultimately of bringing to light the powers at work across all three instances and over a certain period.

To place film texts at the centre of case histories is not necessarily to imply any determining role or priority for texts in apparatuses of censorship. Rather it is a gesture – in part strategic – of instating films and their textual operations (their organisation of narrative, character, and *mise-en-scène*, for example) as practices which themselves inscribe, transform and

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produce other discourses and practices. In this inquiry, among the latter may be counted discourses around sex and sexuality. On one level, all the films discussed in this book may be read as dealing with aspects of 'the sexual': abortion, VD, birth control. The sexual, however, does not so much already inhabit the content of these films as become produced in specific ways in the discourses and practices which surround them. Analysis therefore extends itself to the institutions, institutional practices, powers and knowledges which organise the sexual within and beyond these films, and which are involved in their construction as objects of censorship.

The three case histories are preceded, in chapter 2, by a description of developments in film censorship in Britain during the 1909–25 period. The emphasis in this chapter is on institutions – including the British Board of Film Censors, the law, the cinema industry and the Home Office – and their interrelations: a background is sketched in against which may be set the events subsequently analysed in the case histories. The discussion in chapter 2 also adds detail to existing histories, which for the most part deal rather superficially with film censorship in Britain during the period covered by this inquiry. But most important of all, perhaps, chapter 2 begins to engage with the various institutional practices surrounding film censorship in this period – a necessary first step in the task of unravelling the ensemble of powers, practices and discourses constituting the apparatus within which film censorship is embedded.

In the case histories which follow is brought to light a more extensive array of discourses, practices and powers: these, as I shall argue, are implicated not merely in the censorship of films, but more broadly in a series of processes through which cinema was itself to become subject to regulation. These include discourses active earlier this century in producing, circulating and 'applying' knowledges which aspired to order the domain of the sexual in its relation with the social. Chapter 6 looks at cinema's involvement with these knowledges, and at the instrumentality, in discursive constructions of what I shall call the 'socio-sexual', of the films which figure in the case histories. At the same time, certain other practices and powers emerge from the case histories as participating in the more extensive discursive project of producing cinema as a public sphere of regulation. Chapter 7 traces the processes by which a public sphere of cinema became constituted through a series of alliances and conflicts involving – but not confined to – the law, the film trade, film censorship bodies, and organisations devoted to the promotion of public morality and social purity. At the centre of all this activity stood the cinema audience, which inhabited cinema's public sphere mainly as a problem demanding urgent action. The audience was to become a key component of a construction of cinema which sanctioned certain practices of censorship. Cinema, in this sense, was not so much subjected to, as created through, regulation.

Film censorship emerges here as active in its own right in the construc-

tion of a public sphere of cinema. It also emerges as a product, for it operates in the space of resistance to various strategies of regulation of cinema's public sphere. Chapter 8 argues that, as well as being at once productive and produced, film censorship is a process embodying complex and potentially contradictory relations of power. From these powers, it is suggested, emerges a public sphere of cinema constituted by particular objects of regulation: modes of consumption of films, consumers of films, categories of films, and last – and quite possibly least – contents of films.