

**PARACINEMA, ORIENTALISM AND THE "FANNISH
ENTHUSIASM" OF THE ACADEMY**

- AND -

**CENSORSHIP, CLASSIFICATION AND ECONOMIC
CONTROL: SYSTEMS OF REGULATING FILM IN
CANADA**

by

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B.A., Concordia University, 2006

EXTENDED ESSAYS SUBMITTED
IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

In the
School Of Communication

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SIMON FRASER UNIVERSITY

Spring 2009

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ABSTRACT

Essay 1: "Paracinema, Orientalism and the "Fannish Enthusiasm" of the Academy" is an analysis of how J-Horror has been celebrated by North American audiences, and how it has been constructed and critically assessed in the West. This construction reflects an Orientalist appeal of the East in the West, not only to prospective viewers, but also by scholars. Using the concepts of Orientalism, Techno-Orientalism and Paracinema, I look at how the ongoing fascination with the perceived "extreme-ness" of Japanese cinema has continued to promote Japan's foreignness.

Keywords: Orientalism, Techno-Orientalism, J-Horror, Paracinema, Film Studies

Essay 2: "Censorship, Classification and Economic Control: Systems of Regulating Film in Canada" is a historical analysis of how systems of regulation have been put into place in Canada in an attempt to control film content. My research encompasses not only systems of censorship and classification (ratings), but also how economic incentives put forth by the Canadian government to stimulate film production have the possibility of restricting artistic expression.

Keywords: Regulation, Film Ratings, Censorship, Canadian Cultural Policy

DEDICATION

To the things that go bump in the night.

ACKNOWLEDGEMENTS

This has been a long and eventful journey.

To my senior supervisor, Zoë Druick, I would like to extend many thanks for her continued encouragement, support, inspiration and above all patience throughout this process. I also wish to acknowledge the contributions, advice and suggestions of my other committee member, Gary McCarron, whose insights and discussions helped shape my ideas.

I am indebted to my family and my colleagues for their support, humour and caring along the way – it was quite heartening to know that I wasn't slogging through this alone.

Finally, to the two people who were really my rock through all of this, I wish to extend a special thanks. I want to thank Kelly Heward for being my support and sounding board, as well as a very dear friend. To Stephen Silverthorne, my partner, my friend and the best editor one could have: these two words don't seem expressive enough, but they ring true, so thank you.

TABLE OF CONTENTS

Approval	ii
Abstract	iii
Dedication	iv
Acknowledgements	v
Table of Contents	vi
1: Paracinema, Orientalism and the “Fannish Enthusiasm” of the Academy	1
Horror Films as Cultural Barometer	2
J-Horror	8
Techno-Orientalism.....	18
Paracinema, Orientalism and the Appeal of J-Horror.....	23
Conclusion	31
Reference List	36
Filmography.....	40
2: Censorship, Classification and Economic Control: Systems of Regulating Film in Canada	41
Introduction.....	42
Film Regulation and Federal Law	46
History of Film Censorship and Classification in the US, the UK and Canada	50
The United States	55
Britain	60
Canada	63
Bill C-10, Canadian Film Production and Control	75
Conclusion: Voluntary vs. Legislative Classification.....	80
Reference List	85

**1: PARACINEMA, ORIENTALISM AND THE “FANNISH
ENTHUSIASM” OF THE ACADEMY.**

Horror Films as a Cultural Barometer

The Japanese horror film has become something of an enfant terrible of the filmic world (academic and otherwise), praised for its novelty and embrace of excess. As Ruth Goldberg points out:

The Japanese Horror film has enjoyed a renaissance, producing some of the most provocative and satisfying of recent horror films and inspiring remakes all over the globe. "J-Horror," as it has become popularly known, has developed a wide range of tropes and tendencies, offering something for every possible taste. (2004, 370)

This newfound interest in the phenomenon of J-Horror has produced an outpouring of academic work relating to depictions of Japanese culture in film, considering in particular notions of gender, family and identity. However, I wish to look at these films from a slightly different perspective.

This paper explores how the field of film studies has embarked on the study of recent Japanese horror cinema, and how discourses of Orientalism and paracinema have shaped the way that these films are studied. As Anton Karl Kozlovic has noted, the horror genre is often held up as a necessary outlet for our unconscious and fulfils a need for "symbolic exorcism" (2004, para. 1). Fear is manifested in film in a variety of ways across cultures, and changes as society shifts. Monsters in horror are usually posited by scholars as the Other, something that disturbs the natural order of society (Carroll, 52; cited in Iles 2005,

para. 2). For example, American horror cinema at the height of the cold war filled the screens with communist pod people (Kozlovic, 2004, para 2-3), but by the 1970s, reactionary films such as *Halloween* (1978) demonstrated that terror could be less fantastic and lie closer to home. In American horror in particular, the unknown has often manifested itself along moral lines – characters who transgressed social norms (such as engaging in premarital sex) were often the first to be punished.

This fear of the unknown reaching out to harm the living is the basis for the horror genre. Timothy Iles encapsulates the overarching themes of horror films in general by noting that

Horror represents the altercation between helpless characters and opponents endowed with incommensurably powerful abilities, the precise details of which, while unknown, are repulsive and terrifying. Horror represents the inchoate fears of an urban citizenry who daily encounter strangers—countless scores of unknown people, whose motives, desires, and potential capacity for harm remain immeasurable. (2005, para 1)

In a 2002 paper Steven Jay Schneider noted that the majority of the focus of horror film studies in the West has been devoted to the American, Italian and British contributions to the genre (Schneider, 2002, 1). In other words, the focus has been mostly introverted, and limited by a lack of availability of titles from other national film traditions. As Kim Newman highlights, while only the Musical and the Western are quintessentially American genres, the prime examples often cited for many genres, including horror, also come from

Hollywood (Newman, 2003, 7). Certainly, the wealth of horror film texts that have been produced gives scholars much to study without ever having to go very far afield.

From the Universal Studios horror films of the 1930s to the Hammer studio's 'revisioning' of these classics in the 1960s to North American independent filmmakers such as Romero and Cronenberg in the 1970s, the history of horror films has very much been Western focused. Many dominant ideas have come out of the study of horror films through the use of psychoanalysis, with the monstrous 'other' representing a "return of the repressed" which threatens the status quo (Wood, 1986). Other scholars have looked at notions of gender and sexuality in horror films, complicating straightforward psychoanalytic theory with feminism and queer theory (Clover, 1987; see also Grant & Sharrett (eds.), 2004).

Furthermore, this domination of horror by the West has significantly influenced the horror films in many countries (Newman, 2003, 8-9).¹ While it has often been the case that Western film scholars have not been able to access foreign horror films, due to restricted availability of many films before mass DVD proliferation, this lack of variety has also created a somewhat patronising or colonialist attitude towards foreign horror:

¹ Newman highlights that the Vampire, specifically Dracula (an English literary construction), has been absorbed and reformatted filmicly in a large number of countries (Newman, 2003, 8-9).

To this day, there is an oppressive tendency on the part of American writers when discussing 'foreign' horror films to use slapdash American release titles ...or even to colonise Brazil's major horror icon by tagging Jose Mojica Martins's alter ego "Coffin Joe" rather than Zé do Caixão, as if a character as strange and specifically resonant could be processed at Ellis Island and repackaged as a samba Freddy Krueger. (Newman, 2003, 9)

In recent years however, horror and the study thereof has become more global, especially as there is seen to be 'stagnation' in the creativity of American horror films (Hantke, 2007). In a recent article, Steffen Hantke asks if the horror film in America is still of any critical value. He points to the endless cycle of sequels that have appeared, and the ongoing 'pillaging' of J-Horror and other Asian cinemas for ideas (Hantke, 2007, 192). As Hollywood continues to turn out horror films which eschew social commentary for more gallons of blood (Hantke, 2007, 195), Western fans and scholars alike are looking abroad for more appealing fare. One of the places that has spawned the most interest is Asia, more specifically Japan.

Until very recently, the only films actively circulating outside of Japan were art-house titles or anime, and previous attempts to export Japanese film (known as *yushutsu eiga*) have not met with much success (Wada-Marciano, 2007, 36). That has changed since 1998 when Hideo Nakata's *Ringu* was released in Japan, and soon made its way to North America (Totaro, 2000, 18). This ghostly tale about an accursed videotape seemed totally unlike anything being produced in the West, and spawned a demand for more.

J-Horror has found an enthusiastic audience in North America. These texts have been embraced in their original format and have also spawned a number of American remakes, which explore the same themes from a different cultural perspective. Not only do these films represent specific cultural anxieties in Japan about technology, the family and the individual but they have also crossed cultural boundaries to find meaning outside of their original site of production. The enthusiasm that has greeted J-Horror titles in the West is also in direct correlation to their perceived novelty. The academic popularity of these films also relates in some ways to their paracinematic appeal and the entrenching of this concept in the academy.

Paracinema, a term that originated in Jeffrey Sconce's article "'Trashing' the Academy: Taste, Excess and an Emerging Politics of Cinematic Style" (1995) (and expanded upon by Joan Hawkins (2000)) relates to the ongoing pursuit of the strange and excessive by North American film 'geeks' who actively search out the bizarre films found at the margins of mainstream cinema. Indeed the strangeness or "otherness" of J-Horror has captivated audiences not only for its innovative storytelling and filmic style, but also because it pushed the envelope much further in depictions of depravity than its Western counterparts. It is defined as:

a most elastic textual category, paracinema would include entries from such seemingly disparate subgenres as 'badfilm', 'splatterpunk', ... Japanese monster movies, ... and just about every other historical manifestation of exploitation cinema from juvenile

delinquency documentaries to soft-core pornography. Paracinema is thus less a distinct group of films than a particular reading protocol, a counter-aesthetic turned subcultural sensibility devoted to all manner of cultural detritus. In short, the explicit manifesto of paracinematic culture is to valorize all forms of cinematic 'trash', whether such films have either been explicitly rejected or simply ignored by legitimate film culture. In doing so, paracinema represents the most developed and dedicated of cinephilic subcultures ever to worship at 'the temple of schlock'. (Sconce, 1995, 372)

This paper is in part an analysis of how J-Horror has been received (and often praised) by North American audiences, as well as how it has been constructed, critically assessed and categorised by the academy, film critics and Western viewing audiences in general. This construction I argue reflects an Orientalist appeal of the East in the West, not only to prospective viewers, but also to scholars.

But what is J-Horror? From within this categorisation emerges a myriad of films, ranging from ghosts stories, vengeful women (both living and dead), everyday technology run amok and school children pitted against each other to the death; the only unifying link is the sense of hysteria and annihilation that runs through these films. Which returns us to the original question - how did this grouping of films, ranging from sci-fi to horror, satire to thriller, all become encapsulated under the banner genre of J-Horror? This paper attempts to map the construction of this term by critics and the creation of a category by scholars. What follows here is an outline of the dominant themes and tropes that have often been highlighted as integral to J-Horror and the construction of a genre.

From this starting point, I show what work has come before, and analyse how the discourse around J-Horror has in many ways been shaped to view all Japanese cinema as excessive or extreme. This summary has been put together drawn from the current literature on J-Horror, though much source material has been drawn predominantly from the work of Jay McRoy, who has become the foremost voice in the emerging field of J-Horror and Japanese horror cinema studies. This work is informative and gives a comprehensive overview of the idea of what J-Horror is, but it is important to point out that this is but one voice, and that one must problematise these constructs and the questions that may arise.

This is a point that must be highlighted, as the amount of scholarship on this subject is still in many ways limited. However, this is not an attack on the work that has come before me; in fact, I am grateful to those who have forged ahead, laying the groundwork for further study. Rather, this is an analysis of how the work that has already been done follows traditional academic parameters and has shaped the perceptions of Japanese (and Asian) cinema in the West, horror and otherwise.

J-Horror

Until recently, the most recognizable figure of Japanese cinema in the West was that of Gojira (renamed Godzilla) who, since 1954 has starred in almost 30 films, including one Hollywood version (in 1998) (Tsutsui and Ito, 2006, 2).

While the *daikaju eiga*, or giant monster film is what might first spring to mind when thinking of Japanese horror or science fiction films, it is not necessarily the one that has garnered the most attention from audiences in the West.

However, in recent years Japanese cinema (as a whole) has been receiving more international recognition and exposure. The international fascination with J-Horror has reached a fever pitch, as audiences, film executives and even academics jump onto the bandwagon. In his preface to Japanese Horror Cinema (2005), Christopher Sharrett discusses how the heyday of British and American horror films has passed. He notes that the horror genre in the West has moved away from films that carry a strong socio-cultural message (such as the work of George A. Romero) to become nothing more than “hi-tech rollercoaster rides enforcing the old refrain that the horror film is merely a clever device for saying ‘boo!’” (xi). Sharrett states that J-Horror has become the new heir apparent:

As so often happens in cultural history, a tradition’s legacy has been inherited and amplified by another society. At this writing, Japan is without question producing works that are legitimate heirs to *I Walked With a Zombie* (1943), *Night of the Demon* (1957), *The Crazies* (1973) and *Videodrome* (1983). (2005, xii)

Just as the horror genre in Western cinema has deep roots, reaching back to the beginnings of cinematic history (Goldberg, 2004, 372; McRoy, 2005, 1), the horror film in Japan has a long history. The aesthetics of these films also reach further back into Japanese artistic tradition and borrow from Noh and Kabuki theatre, especially in regards to the movements of those of the spirit world

(McRoy, 2005, 1). From *A Touch of Madness* (1926) to *Gojira* (*Godzilla*, 1954), to more recent additions such as *Evil Dead Trap* (1988) or the aptly named *Three...Extremes* (2004), there is a long-standing tradition of horror films that, until recently, very rarely got significant attention outside of Japan.

In the current trend of J-Horror, Christopher Sharrett remarks that:

The dominant tone of Japanese horror seems to be hysteria, propelled chiefly by Japan's mastery with a vengeance of industrial and post-industrial capitalism. This hysteria seems a legitimate response to the social environment the genre traces, especially given the absence, in the age of transnational capital, of effective forms of political resistance. (2005, xii)

In other words, the hysteria manifested in Japanese horror is an outlet for a nation seen to be obsessed with success. Japanese horror films are often also obsessed with technology and the impact that "rapid technologization" may have on the body (McRoy, 2005, 91). This fascination seems to stem from both the legacy of the atomic bomb and the rapid industrialization that was a major part of post World War Two reconstruction which in turn led to a powerhouse economy in the 1970s and 1980s (McRoy, 2005, 91). Certainly up until the 1990s the Japanese economy was a force to be reckoned with, but the recent economic slow down in Japan has caused a tremendous blow to the nation's "collective self" (Iles, 2005, para 6). This identity crisis, so to speak, seems to have opened up the reach of J-Horror. As Jay McRoy points out these films are both culturally explicit and globally inclusive (2005, 15). In other words, while these films have

cross-cultural appeal, they also reflect specific social, cultural, political and economic anxieties that relate specifically to Japan.

In addition to reflecting a modern day malaise (and oftentimes explicit gore), Japanese horror also borrows heavily from traditional ghost stories (McRoy, 2005, 3). Furthermore, the current cycle of J-Horror is strongly influenced by earlier Japanese films, and has sought to reinvigorate traditional themes for the 21st century (McRoy, 2008, 11). While these seem like obvious places to draw inspiration from in Japan, they offer an altogether different experience for Western audiences. However, dominant themes reappear in a number of films and they work along specific generic trajectories.

The most recognizable trope that is apparent in current J-Horror is the motif of the *kaidan*, or avenging spirit. It is often a tale of someone (usually a woman) who was wronged in life and/or viciously murdered, seeking vengeance from beyond the grave. Traditional tales see this spirit most likely going after those who had harmed her when she was alive, but in many films built around this theme its malevolence is expanded to harm anyone who comes in contact with them. These spirits also use new world technologies to wreak their old world terror; through the use of the telephone, television or Internet in these films, spirits come back to haunt the living.

Visual motifs accompany the *kaidan* style of film, drawn from folklore as well as *Noh* and *Kabuki* theatre (McRoy, 2008, 6), most commonly depicted in the

female spirit. Wide staring eyes and long black hair are prominent, as well as jerky, almost inhuman movements that are inspired by the rigid and stylised movements of *Kabuki*. In Japanese theatre, demonic (or ghost) women are signified by long, unruly, black hair (Hand, 2005, 26). Both Sadako, the malevolent spirit in *Ringu*, and Kayako, the violently murdered housewife who cannot rest in *Ju-on: The Grudge* (2003) represents these features. Sadako's face is almost completely obscured by her matted tresses, save for one wide staring eye, and Kayako's hair spills forward, as if pulling her, as she freakishly crawls down the stairs of her house to claim her next victim.

Another common theme is that of apocalypse. Like *Gojira* and his friends, these films seem to have risen from the ashes of atomic warfare to depict scenes of the end of the world as we know it, with varying results (McRoy, 2005, 5). From the surreal 'spiralling' out of control world in *Uzumaki* (2000), to the literal depiction of survival of the fittest in *Battle Royale* (2001) to the quiet desperation of *Kairo* (2001),² Japanese apocalyptic films do not offer an easy answer or a quick fix. According to director Kiyoshi Kurosawa, while cataclysmic change is inevitable in these films, this isn't necessarily a bad thing:

In ... my films ... you see cities destroyed, and perhaps even hints that the end of civilization is near. Many people construe those images and ideas as negative and despairing, but I actually see

² *Uzumaki's* English title is *Spiral*; the plot revolves around a small town besieged by a plague of spirals, which is literally contorting citizens. *Battle Royale* tells the story of schoolchildren sent to a deserted island to fight to the death and *Kairo* (aka *Pulse*) is a film about apocalypse brought about by ghosts returning to this world through the Internet.

them as just the opposite – as the possibility of starting again with nothing; as the beginning of hope. (cited in McRoy, 2005, 6)

A dominant theme of isolation and alienation pervades the films' scenes of chaos and apocalypse. This alienation is amplified by the urban locales depicted, and the general distrust that comes with city living. While this theme has often been looked at in relation to science fiction and horror films (Clapp, 2003; Kozlovic, 2004), the manner in which technology is employed takes these films on a slightly different trajectory. It is not nuclear arms or biological warfare that causes the end of civilization, but rather everyday technologies that ultimately bring about our demise. The visions of these films bring about what T.S Eliot saw as a quiet apocalypse, for the world ends "not with a bang but a whimper."

In Japanese horror in particular, the urban malaise and fear of harm from an unknown foe is amplified, as there seems to be no way to escape the fate that has been laid out before the characters (Iles, 2005, para. 28). Characters in these films are not only trapped by the modern devices that help run their daily lives, but by the past that infiltrates them in order to remind them of their inescapable history.

J-Horror continues to find audiences across filmic and geographic boundaries, and has found success with a variety of audiences. Steffen Hantke notes that Takashi Miike's film *Audition* (2000) has managed to attract acclaim "from popular entertainment to arthouse cinema, and from Japan to the West"

(Hantke, 2005; 55), and serves as an example of J-Horror's cross-cultural appeal. While they are indeed different (stylistically, narratively) from Hollywood and other Western English language films, the fact that they are different is embraced by critics, as well as the difficulty that comes along with attempting to unpack these texts:

For them, its pleasures derive more from accepting its [their] difficulty than from any attempt to impose upon it a coherent 'realist' reading that resolves all ambiguities and establishes closure. Curiously enough, the reviews I have cited never admit to frustration. What is more, they embrace difficulty and make it the aesthetic linchpin of their critical assessment, endorsing it as a hallmark of the films high modernists style. (Hantke, 2005, 57)

This "difficulty" in interpreting J-Horror films in general, is part of the inscrutable allure that Japanese culture has in the West, and this difference is celebrated in many ways, from the critical to the cult. While this does bring into play a debate about whether J-Horror should be considered as 'high' (arthouse) or 'low' (trash) culture, it would seem that these films play on both sides of the fence. They have been taken up by horror film fans as the *ne plus ultra* of gore and violence, but are also praised by critics and scholars for their haunting (and often beautiful) aesthetics as well as addressing societal concerns both specifically in Japan and along more universal lines. As Joan Hawkins points out, films that have "artistic" merits (i.e., are considered 'good') can also be appreciated by those viewers who are only looking for thrills (Hawkins. 2007, 15-16).

However, as Andrew Tudor notes, when studying film "it is only possible to speak of the appeal of a genre in a particular socio-temporal context" (2002, 49). Therefore, my aim here is not to analyse specific films from the J-Horror canon, but rather to look at how these films have been constructed in the West as a genre that revels in excess (notably in relation to violence, gore and techno-fetishism) and continues to promote an Orientalist and techno-Orientalist conception of Japan. I am arguing that Westerners viewing films from Japan not only project their own cultural perceptions upon these texts, but also view them through a lens of Orientalism, meaning that cultural markers in these movies are decoded based on how the East (as a concept) has been created by the West. As I outline below, the notion of Orientalism has undergone several transformations, especially in relation to the conception of Japan. Not only has J-Horror been analysed vis-à-vis the 'traditional' definition of Orientalism (as originated by Edward Said) (See Hantke, 2005, 62; McRoy, 2005, 7; 111-112 for examples), but J-Horror has also been interpreted through the lens of "techno-Orientalism," as defined by David Morley and Kevin Robins (1995), incorporating a fear of Other alongside a fear of technology.

The concept of Orientalism is most closely linked to the work of Edward Said. In his book of the same title, he defines the concept as:

[A] style of thought based upon ontological and epistemological distinction made between "the Orient" and (most of the time) "the Occident." Thus a very large mass of writers, among who are poets, novelists, philosophers, political theorists, economists, and imperial

administrators, have accepted the basic distinction between East and West as the starting point for elaborate accounts concerning the Orient, its people, customs, "mind," destiny, and so on. (Said, 1978, 2-3)

In other words, a conception of 'the Orient' has been systematically created over the years by a variety of Western artists, authors and academics who have taken for granted that there is a "basic" difference in order to create a more complex view. While Said's work looks at how the Middle East is perceived by the West, Steven L. Rosen points out that many of the sweeping characterizations applied to the Middle East have and can be applied to the Far East as well (Rosen, 2). Said's definition of Orientalism is based upon a post-colonial power dichotomy, wherein the East has been colonised by the West (Said, 1978, 1).

However, as Richard Minear notes, this equation cannot be simply and unproblematically applied to how we as Westerners conceive and relate to Japan (514). Minear notes that Said's exploration of the East is related to geographical factors such as the proximity of the 'Near' East to Europe, which is "the source of its civilizations and languages, its cultural content, and one of its deepest and most recurring images of the Other" (Said cited in Minear, 514). Conversely, Japan is located in the 'Far' East, which was only "discovered" by the West in the late 13th century (by Marco Polo), and then isolated itself from Western influence until the mid-19th century, during the period of the Meiji Restoration (Minear, 1980, 514; Tateishi, 2003, 295). Furthermore, Minear points out that Japan has

never been a colony of the West, even if it was occupied by American forces after the Second World War. In other words, Japan has “never experienced the naked ‘authority over the Orient’ which Said sees as an integral part of Orientalism” (Minear, 1980, 514).

While it would seem that Said’s original outlining of the concept of Orientalism is not a perfect fit to the West’s relationship with Japan, the basic tenets of the theory, wherein, Japan is seen as a foreign and exotic ‘other’ in the West still hold true. However, in lieu of a colonial or paternalistic view, Japan is viewed as an opponent to the West, as it has been both a military and an economic threat in the last hundred years (Minear, 1980, 516). Therefore, it is not enough to follow the traditional view where Western scholars often either demonize or exoticise the Far East (and the East in general), but rather to take a step back and explore how these meanings were created in the first place (Minear, 1980; Said, 1978; Sardar, 1999). Perhaps, as Minear observes in his conclusion “it takes an outsider to point out that the lines they [European scholars of Japan] drew so sharply in black and white were less dependable guides to understanding than we confidently assumed they were” (1980, 517). These lines were again redrawn as Japan emerged as an economic superpower in the latter half of the 20th century.

Techno-Orientalism

While the initial definition of Orientalism does not provide an adequate set of parameters within which to describe the relations between the West and Japan, David Morley and Kevin Robins' concept of "techno-Orientalism" relates specifically to the topic. The authors focus on how the growth and expansion outward of the power wielded by Japan's technological industries has been perceived as a socio-economic threat to North America (1995). Images of Japan in a Western mindset often include the violent discipline of the Samurai on one hand and the gentle Geisha on the other. These images harken back to a feudal, pre-modern Japan, one that would not be able to keep up with the advanced and modern West (Morley and Robins, 1995, 152-153). However, since the end of the Second World War and culminating in the mid 1980s, Japan rose to become an economic and cultural challenge to European and American capitalism (Morley and Robins, 1995, 153).

This reversal of fortunes ignited a 'Japan panic' centred on that country's newfound technological and capitalist savvy. The infiltration into the West of companies like Sony and the growing Western dependence on Japanese technology (in the American military for example) not only created a fear of Japanese domination (albeit no longer from a militaristic perspective), but reconfigured the Western perceptions of what it was to be Japanese (Morley and Robins, 1995, 167). Japan was reconceived as a disciplined and technologically obsessed nation moving forward at breakneck speed, and "[i]f the future is

technological, and if the technology has become 'Japanised', then the syllogism would suggest that the future is now Japanese too" (Morley and Robins, 1995, 168).

This techno-Orientalist viewpoint and the Japan panic it describes was a prominent discourse through the 1980s and early 1990s, when Japan was an economic superpower on the global stage. Japan was (and still is) presented as a paradox; strongly traditional and hyper-technologised, yet incapable of depicting a positive and strong cultural image to the world of its own making (Iwabuchi, 1998, 165; 167). However, this conception is faulty; Japan has been a cultural exporter in Asia for some time, and in recent years, globally as well. This expansion of cultural influence has morphed the way that Japan is seen, and also how it sees itself.

What is desired in Western popular culture for its Japanese content is no longer limited to traditional cultural images of Japan, but a myriad of items, from haute couture to pop culture (Daliot-Bul, 2007, 186). Japanese cultural products (such as film, manga and anime as well as children's toys) are desired in the West for their quirkiness, eccentricity and excess. The way in which Japan is seen as a cultural curio is best encapsulated in Michal Daliot-Bul's study of the depiction of Japan in Israeli popular media (2007). While Israel does sit on the border between East and West (both symbolically and geographically), the study illuminates that the "Land of the freaking crazy sun" (as one magazine article

dubbed Japan) is not only being read as weird and excessive, but in many ways is marketing itself that way (Daliot-Bul, 2007, 173; 175).

Traditional images of Japan, such as the Sumo wrestler or the Geisha, have often been used by Western companies to inject an aura of exoticism into their products (Moeran, 1996, 85). In recent years, Japanese companies are “striking back,” using these images to reclaim or recreate their meaning away from Orientalist stereotypes and play upon conceptions that the West has of the East in order to sell products (Moeran, 1996, 97). While the ‘reclaiming’ of Japanese imagery in an attempt at self or “Counter-Orientalism” (Moeran cited in Daliot-Bul, 2007, 186) has been gaining steam in the last ten years, it has moved beyond the reclaiming of traditional images “to create compelling interpretations of a unique and modern Japanese culture” (Daliot-Bul, 2007, 186).³ However, this new Counter-Orientalist framework does not attempt to demystify Japan:

It diligently maintains the irreducible Otherness of Japan found in other self-Orientalising discourses on Japan; it lacks, however, the insuppressible paranoid urge of proving Japan’s superiority over the West. This is not to say that the producers of this discourse are indifferent to its resonance. On the contrary, it is more than

³ The term Counter-Orientalism was coined by Brian Moeran in 1996. It relates to how Japanese businesses, through the use of advertising, have reacted to essentialist and Orientalist beliefs and imagery as propagated by the West. Rather, Moeran’s analysis looked at how Japanese companies used these constructions in order to sell to the West. Japanese businesses use the pre-conceived Western notions of Eastern exoticism (such as the Sumo wrestler, the Geisha etc) and reclaim them as positive images in lieu of being mere stereotypes. This tactic shows that Western perceptions of Japan are not based only on Orientalist constructions, but also on the desire of Japan to be able to construct an image of itself in the global market.

anything else a discourse that is meant to be provocatively luring.
(Daliot-Bul, 2007, 186)

In other words, Japan as a construct is no longer something to be feared, but rather a desirable aesthetic that has influenced everything from cuisine to fashion to children's television and film in the West. It is within this socio-cultural context (Tudor 2002) that I endeavour to look at how the novelty of J-Horror has continued to 'other' Japan.

While Japan is still considered foreign by the West, with the exploration of international horror cinema broadening its horizons, the concept of foreignness can take on new meaning:

'Foreignness' is an essential component of horror – to meet a monster, it must come to you (like Dracula emigrating from Transylvania) or you must go to it (like the Mummy, waiting in an Egyptian tomb). Here [in horror films] we are considering the possibility that you might yourself be foreign. (Newman, 2003, 10)

In this case it is the foreignness of traditional motifs of Japanese culture combined with the 'freakiness' of the modern day that has in part fuelled the appeal of J-Horror in the West. The films are reaching larger audiences in North America and Europe through a variety of DVD distribution companies, such as Tartan Video (through their "Asia Extreme" collection) (Reesman, 2005, 65). At last count, nine films have been released by American studios purporting to be remakes of J-Horror or Asian cinema, or sequels to these remakes.⁴ However, the fact that the bulk of films from Japan that are receiving critical, popular and now

⁴ The films I am referring to are: *The Ring* (2002), *The Ring 2* (2005), *The Grudge* (2004), *The Grudge 2* (2006), *Dark Water* (2005), *Pulse* (2006), *One Missed Call* (2008), and *The Eye* (2008).

academic attention are those that plumb paracinematic excess makes it seem that the only films being produced in Japan (or that are of note) other than anime are J-Horror films (Dew, 2007, 56).

As previously stated, much of how J-Horror has been conceived from an academic standpoint comes from the writings of Jay McRoy, and in many ways I am re-presenting a primer that has appeared in several variations over the years. McRoy's introduction to the genre of J-Horror is the most comprehensive, but also the most repeated: it appears not only in his own edited collection and authored work, but also in several other anthologies on horror and world cinema. Its basic framework has not changed, nor has it been added to by others.

The work that has been done up to now demonstrates the strong interest that has been generated for Japanese horror films (as well as horror films from other parts of Asia), but the literature on J-Horror itself does not necessarily explain why it is that these films have become so popular in the West in recent years. There is still very little work done on the subject, as it is still early days. As Timothy Iles points out in his review of Japanese Horror Cinema (the first book published dedicated to the subject), the work that has been done is solid, but as yet incomplete:

This volume, edited by Jay McRoy, serves as a very competent critical introduction to the history, conventions, and stylistics of this genre of Japanese Cinema, but nonetheless it is not without certain limitations that, rather than especially problematic, are more indicative of the breadth of study still waiting to be done on horror in general and Japanese horror in particular. (Iles, 2007, 264)

However, the way in which this genre has been constructed (and perhaps reconstructed) does on the one hand point to the fluidity of the notions of genre in general, but also points to the way in which 'fannish enthusiasm' (Jancovich, 2002a) or paracinema have woven their way into the discourses surrounding the study of horror films, and Japanese horror films in particular.

Paracinema, Orientalism and the Appeal of J-Horror

Patrick Galloway notes that in the late 19th and early 20th centuries, the term "inscrutable" was often used to describe an inhabitant of The Orient (2006, 15). While such generalisations are no longer made, this inscrutability has remained in Japanese film, which often "challeng[e] audiences to come up with solutions to puzzles left unsolved. Sometimes it's just a matter of a light touch, of not straining to dot every 'i' and cross every 't' plot-wise, as is more the case in American horror cinema" (Galloway, 2006, 15). This cultural characteristic means that Japanese filmgoers are willing to connect the dots themselves, without an explicit map, and do not see this narrative vagueness as a filmic flaw (Galloway, 2006, 15). This is very different from the 'rational' model in the West, where every cause must have an effect; every hero must have its villain, and so on. American horror films are often seen as too 'obvious' by fans of the genre, in that they often seem to require that all plot points must be "S-P-E-L-L-E-D O-U-T" for its audience (Galloway, 2006, 79; Hills, 2005, 168-169).

This perception of inscrutability that continues to colour the West's idea of the Japanese people means that Japan is seen as a nation of repressed people using film and media as an outlet for their violent, excessive desires (Dew, 2007, 68). The excessiveness and "extreme" nature of some J-Horror titles has increased their appeal in the West. In his book Asia Shock: Dark Cinema from Japan, Korea, Hong Kong, and Thailand, Galloway notes that films from the Asia-Pacific region are more intense and "intrinsically transgressive" in relation to their depictions of gore, violence and debauchery. J-Horror and Asian films are in general seen to take it one step further: "While Hollywood only talks about eating someone's liver with some fava beans, the Asian versions will actually *serve it up*" (Galloway, 2006, 11). Galloway notes that there are socio-cultural reasons for this, for example the lack of "an overarching puritanical religious tradition" (2006, 13) in the area, but it is also economic. As the film industry in Japan suffered a downturn in the seventies and eighties, producers and movie studios frequently inserted escalating scenes of violence and gore into films in order to attract audiences (Galloway, 2006, 17).⁵

While many Japanese and Asian horror films seem to be more gruesome, this conception of excess is a generalisation, which harkens back to earlier

⁵ However, while violence and bloodshed is often explicit in Japanese film, there is still a very strong censorship of nudity and sexuality. Nudity, especially in relation to the showing of pubic hair or genitals, is forbidden under Japanese censorship. While there is no puritanical impetus to discourage violence to the body, there is an explicit aversion to showing parts of the body itself (McRoy, 2008, 55). See also Chapter 2 of McRoy's Nightmare Japan (49-74) for a discussion of how director Sato Hisayasu's films have challenged these rules of depiction in gruesome ways.

Orientalist (and techno-Orientalist) ideas about Japan (Dew, 2007, 68). Some of the most popular titles in J-Horror, such as *Ringu* (1998) and *Ju-on: The Grudge* (2003), are not particularly violent, but rather straightforward ghost stories in the *Kaidan* vein. However, this ongoing idea that the population of Japan is “externally inscrutable, internally unreasonable and violent” and must vent their repression through media has been incorporated into marketing strategies of J-Horror titles in the West (Dew, 2007, 68).

As Oliver Dew notes, the theme of excess in the marketing of Asian films have become part of the framework, and many articles in the press highlight the link between Japan and excessive cinema: “That ‘extreme violence and horror’ are an integral ‘part of modern Japanese cinema but rare in other countries... and that these films merely replicate ‘a level of depravity in Japanese popular culture beyond anything known here’” (Rains cited in Dew, 55). While this is an oft-repeated theory, a study of recent box-office receipts in Japan does not support these assertions: the most popular Japanese films are not “sexualised ultra-violence” but rather more ‘family-friendly’ fare, dominated in particular by the animated films of *Studio Ghibli* (Dew, 2007, 55-56).⁶ Cultural specificities of J-Horror are “highlighted in the packaging of J-Horror films on DVD aimed at a cult fan demographic with an appetite for the culturally authentic and macabre violence” (Wada-Marciano, 2007, 39). Therefore, it is not just the overwhelming

⁶ Three of the top ten films on that list (compiled from 1996-2004) were from *Studio Ghibli*, two others were from the *Pokemon* franchise and the other five films on that list were either, romantic dramas or police procedurals (Dew, 2007, 56).

supply of J-Horror titles that have led to their proliferation and popularity, but also strong marketing campaigns that capitalise on Orientalism, and the paracinematic desires of the cult fan for something new (Dew, 2007, 56).

However, some films are more acceptable than others; films by Hideo Nakata (director of *Ringu*) and Takashi Shimizu (director of *Ju-on*) have been widely praised and distributed, even remade by American studios. Conversely, while the work of Takashi Miike (Director of such films as *Audition* (1999) and *Ichii the Killer* (2001)) has been praised, his repeated use of shocking and explicit imagery of torture and violence has also made them notorious, only consumable as a 'foreign' text. Furthermore, the way in which J-Horror titles are marketed and the increasing demand for these titles often makes it seem that the only films being produced in Japan and across Asia are these 'extreme' selections, which is not the case.

While the initial definition of paracinema seems to say that the predominant drive behind the concept is 'if it's bad then it's good,' the goal of paracinema is not just to simply valorise trash, but also to seek out films or genres that have yet to be discovered (or have already been discarded) by the mainstream. As Mark Jancovich points out, Sconce's definition "only touches on the range of films defined as 'cult'" (2002a, 309), which furthers the elastic notion of the category. Paracinema is a catch all term for the more outré or inaccessible of the filmic world; J-Horror as it has been constructed is in some ways similar.

Furthermore, paracinema was offered as a challenge to established film theory (or ways of seeing film), questioning the way that films are categorised (good/bad, high/low, trash/treasure etc), and a 'trash aesthetic' has become an accepted scholarly reading (Sconce, 1995, 374). Like the paracinematic or cult movie fan, scholars who study "marginal" film are not looking at these movies necessarily in relation to the generic conventions they offer, but rather employ:

a series of frequently opposed and contradictory reading strategies that are defined through a sense of their difference to an equally incoherently imagined 'normality', a loose conglomeration of corporate power, lower middle class conformity and prudishness, academic elitism and political conspiracy. (Jancovich, 2002a, 314-315)

Finally, paracinema attempts to challenge the viewer's notion of film, and question not only the filmic text, but also the context: "Whereas aesthete interest in style and excess always return the viewer to the frame, paracinematic attention to excess seeks to push the viewer beyond the formal boundaries of the text" (Sconce, 1995, 387). These extreme selections revel in excess, which heightens their appeal in relation to the idea that an 'excessive' text has liberating qualities for the viewer, and requires "a fresh and slightly defamiliarized perspective" (Jancovich, 2002a, 310).

In many respects, J-Horror has risen from the paracinematic 'muck' to claim a space as a veritable (and appreciated) cinematic form, with important critical and cultural attributes. In other words, while these films are praised for their excess, they are also praised for their quality, and the innovative ways they

use cinematic conventions to heighten the story. As Patrick Galloway notes in his introduction to Asia Shock, a popular critique of Japanese and Asian “dark cinema” (as he calls it), the films that were selected for the book, had to be ‘good’, and have some aesthetic and thematic value (2006, 9). The aesthetics and production values on J-Horror films may not have the same bankroll as a Hollywood blockbuster, but they are not poorly made films – in fact, they are often praised for doing a lot with a little (Wada-Marciano, 2007, 28). However, these films do still have a paracinematic allure, as they represent an ‘anti-Hollywood’ aesthetic to film fans and scholars alike.

Furthermore, the notion of cult or paracinematic film categories are identified primarily as those in opposition to the ‘mainstream’, without necessarily any other set parameters themselves (Jancovich, 2002a, 308). In many ways, this is what has been done with J-Horror: while there has been a concerted effort to identify dominant themes and aesthetics related to the genre, in many ways it is still defined by the fact that it is more “excessive” or “extreme” than Western cinema.⁷ Jancovich also notes that Sconce, in his exploration of the idea of paracinema, makes explicit connections between the fan and the academic, or “between paracinema and the academy,” specifically in relation to taste practices

⁷ While J-Horror (and Asian horror in general) is seen as more extreme than its Western counterparts, there has been in recent years an influx of more explicit violence and depictions of bodily harm in the Hollywood horror film, partly due to the growing availability of J-Horror films in North America (as influence and as competition), as well as an audience that is increasingly desensitized to such carnage. While J-Horror is often praised for its frank depictions, American Horror is seen as grasping at straws to keep audiences interested by the use of gore and flashy editing (Church, 2006, offscreen.com; Perusse, 15 February 2006).

and a hierachization of films (Jancovich, 2002a, 309). Jancovich notes that Sconce sees both paracinema and film studies as standing in opposition to “mainstream, commercial cinema” (i.e. Hollywood), which in this case is not only a geographic location, but also an aesthetic choice that contains its own “signifying practices” (Jancovich, 2002a, 309).

The appeal of cult films (and paracinema in general) has emerged as scholars in the fields of film and popular culture (among others) have revisited concepts of mass culture as a site of valuable research (Sconce, 1995, 377). As Sconce points out, paracinema has made its way into the academy, opening up “the limits of the traditional cinematic canon and the constraints of conventional academic enterprise” (Sconce, 1995, 377). Indeed, it is from the perspective of a fan (myself included) that much of this work has emerged, as “film geeks” attempt to understand what has made these marginal, exploitative and/or excessive films so appealing in the first place.

As Mark Jancovich notes in his contributions to the meeting of paracinema and the academy, new scholars are no longer attempting to remain in the ivory tower while they conduct their research:

In contrast to earlier generations of scholars, this ‘fannish enthusiasm’ has meant that there are many scholars of our generation who (when not disappearing into the excesses of cultural popularism) have tried to find a way of conducting research that is not based on a position of distance and disdain with regard to the popular, but from one which is informed by our knowledge and investments within the field, and yet is not uncritical of the relations of power within which it (like any other area of culture) is implicated. (Jancovich, 2002a, 307)

This lack of distance has created the notion of the academic as fan, which, while it allows for a more insightful (or insider) and possibly alternate textual analysis, may also have pitfalls. As Jancovich points out:

I have expressed my concern at the ease with which – or even the inevitability with which – writing as a horror fan has transformed itself into writing as a *real* horror fan, a move which implicitly casts anyone who might construct and value the field in different ways as not simply naive, foolhardy and ignorant but as an implicitly *phoney* horror fan who has no right speak...

Of course, this is partly the aim of the strategy. Writing as a fan is frequently about writing as someone who knows the field and who is therefore more authoritative than the academic who merely talks about films and their fans from a position of distance and authoritative ignorance. But by failing to acknowledge the extraordinarily vicious struggles for distinction within and between fan cultures, this strategy also tends to repeat the same errors as that which it is supposed to criticize, to validate certain readings over others by casting some fans as authentic and authoritative and others as inauthentic and without the authority to define the field. (Jancovich, 2002a, 307)

Jancovich's concerns speak to the hierarchy of knowledge in the academy – graduate students know more than undergraduates, professors know more than students, and how much you have published gives you more weight and credence in your knowledge. Of course, when looking at writing as a fan, this is complicated by the fact that you are not only relying on your academic credentials or sway, but your taste as a fan and your place within that niche (whatever niche it may be) to dictate that you have the authority to weigh in on the matter at hand.

Cult cinema and film studies are both fields that are trying to uncover new or alternate readings for film texts, either as a scholar or an audience (or

both). However, this connection is a bit of a paradox in relation to J-Horror: these films are often 'mainstream' movies in their country of origin, and have gained considerable success. An example of this the film *Ringu* (1998), directed by Hideo Nakata, which broke box office records in Japan as one of the highest grossing horror films of all time in that country (Totaro, 2000, 19). As director Takashi Shimizu notes, while Hollywood is often denigrated for its commercialism, it does not mean that the same trends are not apparent elsewhere in the world:

The American film industry, like those in Europe and Japan, brings in directors from all over the world. Of course, I admired American films, but recently the material is a little wanting. I feel it's the same here. A lot of remakes. Of course, I shouldn't be the one to talk about that! (Dixon, 2005, 7)

Conclusion

As of this writing, the popular furore over J-Horror has faded to a certain extent, and academia is left picking up the pieces (Rafferty, 27 January 2008). It has been said that drawing from J-Horror might reinvigorate American film; it would seem that it is not enough of a boost. As foreign wells of inspiration are also drying up and not faring as well at the box office,⁸ the American film industry has turned to self-cannibalisation, even resorting to remaking remakes,

⁸ While *The Ring* and *The Grudge* were both incredibly successful, more recent remakes have not been. *Pulse* fared poorly at the box office and faced the ire of critics. Terrence noted that it treated "its source, [the] great horror poem *Kairo*, as if it were a dirty limerick" (Rafferty, 27 January 2008).

such as John Carpenter's *The Thing* (1982) (Hantke, 2007; 192).⁹ J-Horror and its conventions are no longer seen as new, and critics have become jaded as they see the genre descend into cliché, as a recent article in *The Guardian* of London illustrates:

In a classic Asian horror movie, a pretty young woman borrows a recently murdered friend's sunglasses and then begins seeing dead people. The dead people try to warn her not to answer her cell phone, whose hypnotic ring tone is being used by a satanic little girl masquerading as a telemarketer to lure her to the underworld, where she will be reunited with the cruel stepmother who abused her as a child. But afflicted by amnesia, the heroine does not realise that this is the same little girl she used to pick on in high school, the quiet loner who died after her mother threw her down a well because she didn't like the way she kept staring at her. The dead girl, only one of whose eyes is ever visible, makes a habit of popping up in the middle of a videotape of a high school reunion, then slithering out of the TV set and murdering anyone who happens to be watching. At the end of the movie, the heroine apologises to the dead girl and is reconciled with her abusive stepmother, but gets strangled to death in her bathtub when a scary little girl from an entirely different movie sneaks in through the shower nozzle looking for someone innocent to kill. When the police arrive, all they find is a pile of stringy jet black hair, a blank videotape, and an overdue bill for a mobile phone number that does not exist. (Queenan, 22 February 2008)

This glib summary of the conventions of J-Horror demonstrates that while J-Horror (and paracinema) is seen as free of constraints (and delightfully trashy), it can be just as formulaic as many Hollywood films (Wada-Marciano, 2007, 43). The now jaded reaction to J-Horror in the mainstream press also shows just how quickly the novelty can wear off when watching horror cinema from around the

⁹ Carpenter's film is a remaking of the 1951 film *The Thing From Another World*, however, no mention of the original film was made in the announcement that a new version would be produced. This prompted Hantke to exclaim: "One wonders how long it will take, after this latest remake has been released, until someone will begin thinking about remaking the remake of John Carpenter's remake of *The Thing from Another World* [!]" (Hantke, 2007, 192).

globe. Kim Newman comments on this in his introduction to Fear Without Frontiers:

The high amazement factor found in many films discussed here comes as much from unfamiliarity as from genuine worth; watching one Indian, Malaysian or Hong Kong [or Japanese] horror picture is a revelation, but ploughing through fifty will reveal conventions and clichés as prevalent and ultimately limiting as those that obtain in the American slasher film. (Newman, 2003, 10)

As the popularity of J-Horror continues to establish itself in the West (and continues to move into the mainstream), the discourse surrounding it continues to generalise and exoticise its content. Jay McRoy points out in his introductory chapter to Nightmare Japan that the categorisation of J-Horror in the West is leading to streamlining of conceptions about these films:

Ringu's sensational reception and influence evinces Japanese horror cinema's position as one of the most vital and expansive filmic traditions constituting 'New Asian Horror', a moniker that, like 'French New Wave' or even 'Japanese horror cinema' [or 'J-Horror'], serves as a classificatory function that inevitably risks privileging generic simplicity over culturally specific conceptions of monstrosity, terror, and apocalypse. (McRoy, 2008, 2)

This sentiment is echoed by Takashi Shimizu: "One thing that I would like to say is to stop looking at 'Asian horror cinema' as one entity. This may sound impudent, but that is how I feel" (Dixon, 2005, 16).

The generalisation of horror films from Asia under the moniker of "New Asian Horror" harkens back to an Orientalist perception of a distinct 'us' versus an indistinct and interchangeable 'them'. Even within a specific country's film

canon, such as Japan, Western critics and scholars often lump together films that are not necessarily constructed as horror films, and not marketed that way in Japan (Wada-Marciano, 2007, 42). Furthermore, the classifications within Japanese horror are being erased or restructured; films tend to be located under the umbrella of J-Horror only, or only in relation to how they work as a *Kaidan* tale (Wada-Marciano, 2007, 42-43). This difference in conception of genre, and the tendency for anything strange or intense from Japan to be considered horrific further points to the fact that there are still constructs being created about what the East is.

In the process of this exploration, I feel as though I have come up with more questions than answers. Issues that have arisen that are not easily resolved; however, they do need to be brought into the light. The most difficult part at this juncture is to assess what these films will mean over time, and what their lasting academic and popular legacy will be. As Hantke notes:

Who knows what twists and turns, ups and downs, this genre is going to go through in the future? Though academics are not in the business of predicting the future, most historiographic writing requires narrative in order to show similarities and differences, trace patterns of influence, and demonstrate developments in the interplay between texts and their variable contexts. Hence, one might tell the story of American horror cinema as the story of the slow and steady decline of the genre; or conversely, as the story of its ascent from modest, inauspicious beginnings to prominence; or as the story of the birth, death, and rebirth of the genre. Just as the question of beginnings, of proper origins, is a crucial one for the construction of such narratives, so is the problem of endings. (Hantke, 2007, 195)

Most analysis is best done through hindsight, and as of yet there is still not enough distance of time between critic and film. However, while there is a concern that Western horror films will continue to lose their critical abilities and continue to revel in superficiality, there is no way to tell what the future brings.

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**2:
CENSORSHIP, CLASSIFICATION AND
ECONOMIC CONTROL: SYSTEMS OF
REGULATING FILM IN CANADA**

Introduction

Since the introduction of the motion picture camera in the mid 1890s, there has been concern over the regulation of the content it produces. However, while there has been a wealth of scholarly work produced in relation to attempts to censor film, there has as yet been very little work done to address how the systems of classification and/or censorship have worked historically in various contexts and how that could infringe on rights of expression (Street, 2000, 24). What is further absent from this research is a focus on how Canadian systems of regulation function or how state funding of the Canadian film industry may shape the films that are produced (Horne, 1997, 3, 5).

This paper is a historical analysis of how systems of regulation have been put into place in Canada in an attempt to control film content on our nation's screens. The preceding statement is intentionally broad as I am looking not only at how films are controlled through distribution (censored, classified), but also how state incentives (such as tax credits) to build up the Canadian film industry also contain the ability to dictate what should or should not be shown on screen. In other words, while there has been a lot of research done as to how censorship as imposed by regulatory bodies (whether they be state or industry affiliated – or both) can shape the message of a film (and perhaps even impinge on freedom of

expression) there has been very little examination of how state support of the industry itself, not caught up in the ratings game, can shape the output of films.

The term I use here – systems of regulation – is intentionally broad as I wish to introduce it as an overarching definition, relating not only to censorship and classification (through ratings), but also the attempts made by the Canadian government to control film content through economic means. The most recent example of this is Bill C-10, which had it become law, would have allowed the ministry of heritage to dictate which Canadian films were eligible for federal tax credits based on their content (Brean, 8 March 2008).

Integral to my analysis is a comparison of other systems of regulation for film in other countries, namely the United States (as governed by the MPAA) and the United Kingdom (which is controlled by the BBFC). While these systems are both ‘voluntary’ procedures which carry few legal ramifications, history has shown that both the American and British regulatory boards have (and continue to) exert limitations on film producers as to what can or cannot be depicted on movie screens, and also influence provincial ratings boards in Canada. In theory, ‘rating’ a film based on its content in lieu of censoring or banning it outright allows adult audience members to choose what it is they want to see (and what their children may be exposed to). In reality, this system often affects what can and cannot be depicted on screen, limiting representations of violence, and especially sexuality from reaching audiences. While this is done supposedly to ‘protect’ viewers, it has also been criticised as a way of censoring films that are

seen as contrary to community standards, or more crucially as I discuss later, that do not meet the standards of the individual reviewer.

As film historian Richard de Cordova notes in relation to Hollywood's Production Code, one cannot ascribe too much power to a system alone, for it tends to collapse complex subjects into far too simple terms:

...for in such a narrative the Code becomes the very model for understanding moral regulation and the cinema ... If the Code has become such a model it is not merely because of its historical importance but also because of the degree to which it seems to make more complicated issues of morality and power so simple and legible. Morality may be viewed simply as a set of clearly articulated prohibitions. And power may be conceived simply as the ability to administer a series of censorious 'nos' and 'don'ts'. (de Cordova, 1995, 99)

In essence, it is necessary to look not only at what is or is not permissible to be shown on screen, but why these systems have been created. Systems of regulation conflate issues of morality and control to the point that it has become an issue of what is right, rather than why something is right.

In order to explore the social impact of film regulation, I will analyse how various regulatory systems have come about. In the first section, I present an overview of the evolution of film censorship and the subsequent shift to classification in the United States and United Kingdom in order to highlight some of the similarities between these systems, as well as the influence they have had on the formation of film classification policy in Canada.

The second section unpacks how film regulation at the distribution level has come to be in Canada, first through censorship, and then through

classification. I analyse the shifts in the way that film distribution has been controlled across Canada, as well as how various provincial boards have reacted to transgressive subject matter. While I look at how classification works as a whole in Canada, my focus is on three boards: those of British Columbia, Ontario and Quebec. I have selected these boards in order to explore the differences across the country in terms of classification: the review boards of British Columbia and Ontario are often depicted as working at two ends of a spectrum, and the *Régie de Cinéma* in Quebec uses a different set of ratings than the other boards. Through this comparison I hope to illuminate what is different in the way films are classified, and how ratings are influenced in relation to different socio-cultural norms in these three provinces.

Finally, I will address the relationship between state support of the Canadian film industry and the way in which government money can be used in order to dictate what can and cannot be depicted on screen. The most recent example of this is the failed attempt by the Conservative government to introduce changes to income tax law (under Bill C-10) to allow for the Ministry of Heritage to approve films for funding based on their content. Central to this analysis are the proposed amendments of Bill C-10 and the furore over the film *Young People Fucking* (2008) (which received tax credits as well as other government funding). The discourse around classification can lead to censorship from above or, more often, self-censorship by film producers in order to allow their product to be seen. While this is not a paper on Canadian feature film

policy and funding incentives that have been made available, there is still a need to look at how the federal government has often sought to control content or messages of Canadian films over the years through funding incentives.

Furthermore, there is an interesting paradox at play here: on the one hand, since the establishment of the Canadian Film Development Corporation (CFDC) in 1967 (now Telefilm), there have been repeated attempts to create a Canadian film industry in the mould of Hollywood, producing films that will reach a varied audience, and hopefully create large box-office profits. On the other hand, those Canadian films that produce the most international accolades are not generic romantic comedies or high budget action sagas, but rather, as film critic Katherine Monk describes Canadian film, as a collection of “challenging, cerebral, ambiguous and decidedly offbeat films” (Monk, 2001, 5). Indeed the title of her 2001 book on contemporary Canadian film, *Weird Sex and Snowshoes*, encapsulates the image that the Canadian film industry has created (perhaps inadvertently) for itself over the years.

Film Regulation and Federal Law

While the purpose of this paper is not to delve into the ongoing debate about the censorship of pornography or obscenity, these concepts and genres are important limit cases. Film classification (and by extension censorship) is regulated at its most basic level by the Criminal Code of Canada (Horne, 1997, 8). While the provinces are on the front line when it comes to film classification, they

must ultimately uphold a national consensus when considering whether or not to allow films to be shown. Provincial classification boards in Canada assert that the notion of “community standards” plays a strong part in how films are classified, but there is also concern that such a subjective concept is difficult to measure equitably.

The issue of community standards is not one that is taken for granted by the provincial boards; while there is certainly a designation of ‘community’ made along provincial border lines from a legislative perspective, there is also consensus that Canada’s population is not a homogenous one. In a 2003 report prepared for the British Columbia Film Classification Office (FCO), Raymond Lee presents extensive research on the socio-cultural and economic differences that abound across Canada (Lee, 2003). More significantly, Lee also attempts to unpack what exactly is meant by “community standards” (Lee, 2003, 1). While his research uncovers a plethora of opinions as to what this could be, he concludes that “there can never be a true community standard since a consensus cannot exist” (Lee, 2003, 1).

Therefore, there are two opposing descriptions (or explanations) as to why classification happens at a provincial rather than federal level. On the one hand, Canada’s small population spread out across a large space means that films will be classified differently by the various boards across the nation, as what is normal or ‘acceptable’ in Halifax may be different than in Montreal or Moose Jaw. While this reflects the different socio-cultural standards that are in place

across the nation, the provincial boards are also an arbitrary designation of 'community' which are set up as administrative units as dictated by the British North America Act in 1867, and reiterated in the Constitutional Act of 1982 (Department of Justice Canada, 3 March 2008). As Lee further notes, Canada's governmental structure and geographic make-up contribute not only to the need for provincial boards, but also how Canadians view themselves:

Further research illustrates that every region of Canada has its own history and culture that is not necessarily synonymous with the development of other parts of the country. Seemingly paradoxical, the Canadian identity can be seen as a cooperative mosaic that allows for regional differences to coexist with a common feeling of strong national pride. (Lee, 2003, 1)

As previously stated, a film seeking distribution in Canada must first be assessed as to whether or not it breaches the obscenity standards dictated by the Criminal Code of Canada before it can be reviewed at the provincial level. As of right now, the closest thing to research on film classification is the *Report of the Special Committee on Pornography and Prostitution*, commonly known as the Fraser Report, released in 1985. Essentially the report looks at issues of obscenity and sexuality, the representation of which figures into how a film will be classified. While the Fraser Report is looking only at the legislation and distribution of pornography in Canada, and does not take into account other criteria such as non-sexualised violence or profanities which are also considered when classifying mainstream film, its recommendations still relate to the classification of all film.

When the Fraser Committee released its report, a debate arose around how the balance of power is structured in relation to censorship (Diamond, 1986, 139). While provincial boards have the power to classify and censor films: they only have that right because the federal government allows it. In other words, because obscenity, which is the starting point of reference when it comes to film censorship, is classified under the Criminal Code, it is ultimately up to the federal government to decide on these matters. In sum, it is the federal government which allows the provinces to make classifications (Diamond, 1986, 139-141).

In response to the findings of the Fraser Committee, video maker Sarah Diamond, pointed out that the debate over federal control of film censorship and classification in the 1980s obscured the current strictures in place within the provincial systems:

While federal legislation can be a threat to existing images, it is provincial classification and censorship bodies that dramatically affect the open circulation of independent film and video. Although British Columbia's Attorney-General, Brian Smith, argues that classification simply presents information to the consumer, and the Fraser Report suggests that provincial bodies limit their work to description; this is not the reality of classification in Canada. (Diamond, 1986, 155)

Classification goes beyond simply giving audiences a guide to follow, but also creates categories for films by their suitability for certain audiences (i.e., minors) to see them. By restricting a general audience from certain films based on their content – be it violence, sex or profane language – the categories

reinforce the taboo around certain subjects which should not be practiced in good society. It is therefore important to look beyond the idea of censorship, but also to understand how and why films are classified the way they are.

History of Film Censorship and Classification in the US, the UK and Canada

Film historians have devoted a lot of ink to the study of film censorship in the film industry of the United States (Couvares (ed.) 1996; Leff, 1990; Miller, 1994; Vaughan, 2006); however, there has been very little critical work done on the nature of film classification, in particular in relation to the Canadian context. Perhaps the paucity of domestic production in part explains why there has been very little scholarly research done on the nature of censorship and classification of films in Canada. Malcolm Dean's book, Censored! Only in Canada: The History of Film censorship - The Scandal off the Screen (1981), gives a thorough outline of the genesis of film censorship in Canada. Yet surprisingly, Dean does not acknowledge the influence that the MPAA in particular has had on the classification of films in Canada (Horne, 1997, 12; Dean, 1981, 228-247).

As with censorship, classification can be looked at as more than just an attempt at controlling expression, but also as an "apparatus" of power that is fluid in nature.

From a Foucauldian perspective, that which can be categorized can be studied and controlled. Whether it is voluntary or legislative, classification

systems for films still function as a state apparatus working to guide the population in order to “correct and modify the ways in which it conducts itself” (Burchell, 1996, 19). Thus the government is not simply an unchanging monolith which dictates and imposes from above, but rather a complex and shifting system. The governmentalization of the state looks not only at how the state bureaucracy functions, but also the mechanisms in place in more “micro” systems such as the school or the family (Burchell, 1996, 19). Therefore, in order to understand how film classification legislation works in relation to film producers, one cannot simply employ an ‘us’ versus ‘them’ mentality, but must look, rather, at how the discourse of regulation works on various levels (Dorland, 1998, 22).

It is not enough to simply look at censorship from a straightforward assumption that it has been put into place in order to continue to maintain a society based on repression (Colburn, 1987, 62). Nor is it particularly useful to ascribe the shift from film censorship to film classification as nothing more than a latter day Repressive Hypothesis – casting off the shackles of censorship that had prevented us from engaging in free forms of expression. If anything, we have been further contained and controlled, relegating freedom to conjecture. As Michel Foucault notes, we are obsessed with pretending to keep sex (and depictions thereof) at arm’s length: “What is peculiar to modern societies, in fact, is not that they consigned sex to a shadow existence, but that they dedicated themselves to speaking of it *ad infinitum*, while exploiting it as *the secret*”

(Foucault, 1990, 35). In fact, what is not said (or cannot be said) in 'polite' society echoes louder than any statement that is actually voiced.

While it would seem that in the 21st century, many believe that the changes in the ways that films are controlled, i.e. the shift from censoring films to classifying them, has made us a more open and liberated society than the one that brought about the Production Code in the U.S. or the Provincial Censorship Boards in Canada, they can be seen as a technique of government in neoliberal states. Ratings are one of a number of discourses that work to normalize certain activities (such as violence and profane language) and make others (in particular extreme violence, torture and sex) illicit or taboo. Filmmakers in the United States have tried to get around a restrictive rating (X, later NC-17) by releasing films without a rating, but the lack of a rating has evolved to signify the same as a restricted rating. Furthermore, the shift from a discourse of censorship, where material can be excised or banned outright, to a discourse of classification, which is presented as a manner of categorization without judgment, changes the way in which film content is perceived: while adult viewers are allowed to see restricted films if they so choose, the subjects that are portrayed are still deemed unsavory to a large part of the population.

Systems of film regulation have an interconnected relationship with the industries upon which they are imposed (voluntarily or otherwise). As historian Jeffrey Richards points out in relation to the British motion picture industry:

It is impossible to understand the development and nature of the British cinema without a full appreciation of the work and influence of the censors. They provided the framework within which cinema operated. They dictated the limits of what was permissible on screen. (Richards, 2001, 155)

This quote reflects that in tracing the history of British and American film, there is a strong correlation between the industry and the regulatory bodies that govern them (such as the BBFC and the MPAA) (Hunnings, 1967, 53; 151). This is in part due to the fact that both the MPAA and the BBFC were set up by the industries themselves to avoid state involvement in the regulation of film content and operate with little or no involvement from their countries' governments.¹⁰

The regulation of film distribution in Canada closely mirrors similar efforts in the United States and United Kingdom, but there is an obvious difference. While all three countries prohibit the screening and distribution of films that defy obscenity laws, only in Canada do all films (with some exceptions) need to be reviewed by classification boards in order to be allowed to be shown to audiences. Film classification in Canada is not a choice that filmmakers can opt out of, but is instead mandated by provincial law. However, some of the provincial Motion Pictures or Theatres Acts have clauses in them stating that classifications made by the Motion Pictures Association of America (MPAA) or the British Board of Film Classification (BBFC) are valid under provincial law. In section 15(1) of Saskatchewan's Film and Video Classification

¹⁰ The BBFC works in conjunction with the Home office in the UK, but it not controlled in any way by the British Government

Regulations (1997) for example, it is stated that films that have been classified by the MPAA or the BBFC are considered classified in the province, with the exception of Adult (or restricted) material (Saskatchewan, 1997, 8).

Over the course of the history of film, there has been an ongoing re-negotiation of what is and is not permissible on screen. This is evident in the types of movies produced and distributed in response to what rules are in place. The situation changes somewhat when looking at classification in Canada, as the majority of films being reviewed are not produced here (Hunnings, 1967, 248)¹¹ and thus it is important to look at how systems of regulation and classification work in other countries, in particular the U.S., as well as the U.K. While British film regulation is centralised in the offices of the BBFC, which is not government affiliated, films are also subject to state scrutiny through the local councils, which function as a final checkpoint before a film is released to the general public. Due to the interrelated relationship of these systems it is useful to briefly look at how film censorship and classification came about in other countries, before expanding on the history of classification in Canada.

¹¹ According to a study released in 2005 by Telefilm Canada, English language productions accounted for 5.2% of the box office receipts for that year (Dillon, 2006). While this demonstrates a growth in the Canadian film industry, it also demonstrates just how small the English Canadian take and influence is in comparison to films from the U.S. and other countries.

The United States

As long as there has been a film industry in the United States, there has been a call to censor and control its content (Miller, 1994, 24).¹² There has been an ongoing struggle between allowing Hollywood to self-regulate and imposing state control over the content of films produced. In the 1920s and 1930s, many attempts were made by the industry to censor itself in order to assuage outside pressures from morality groups and religious organisations. In order to prevent the film industry from being regulated by an outside source, the Motion Picture Producers and Distributors of America (the MPDDA, later renamed the MPAA) created the Production Code, which came into being in 1930, but was not stringently applied until 1932 (Miller, 1994, 50). Unlike the other initiatives at self-censorship within the industry, the Code was more than just a set of rules; in many ways it was an attempt to portray the motion picture industry as wanting to instil a proper moral order into the viewer through film, turning frivolous entertainment into progressive education (Miller, 1994, 51).¹³

The Production Code reigned supreme for almost forty years, but by the late 1960s there was a shift in public opinion: it was no longer felt that audiences should be prevented from seeing certain things, but that viewers could make up their own minds (Vaughan, 2006, 2). Therefore, there was shift from outright

¹² It has been pointed out that artistic censorship is nothing new. Instances have been documented as far back as ancient times, where playwrights such as Euripides had to rework their pieces to satisfy public opinion (Miller, 1994, 6-8).

¹³ Skinner points out that the emphasis on strict moral order was due to the fact that the code was drafted in collaboration with the Catholic Church, but this fact was de-emphasized in order to give the code an overall reach (Skinner, 1993, 14-15).

ensorship of material to a mode of classification of films. The Code was dismantled in 1968 and replaced by a rating system which, with a few changes, is still in use today. Films were to be classified by the MPAA via ratings, in order to give audiences a guideline as to what films were suitable for which age groups (Prince, 252). Instead of ordering cuts to be made on a film so that it could reach the largest possible audience, films were rated by category: G - General audiences, PG - Parental Guidance suggested, R - Under 17 admitted only if accompanied by parent or guardian and X - 18 and older only (Vaughan, 2006, 2). In 1984, a new category was added, PG-13, as a buffer between PG and R, designating films that were not suitable for children under the age of 13 (Vaughan, 2006, 50-51; Valenti, 2005). Furthermore, in 1990 X was replaced by NC-17 - no children under 17 permitted - to remove some of the stigma attached to X-rated 'adult' films (Leone, 2002, 938).¹⁴

The link between X ratings and pornography has affected the way we think about films of an adult nature. Even with the change in title (NC-17), they are still considered unseemly and corrupting due to their sexual content, but not necessarily their violence. In other words, it is common that an excessively violent film with little or no nudity or depictions of sexuality will receive an R rating, whereas a film that has frank depictions of sex, especially if they are categorised as taking place outside of the "norm," will undoubtedly receive an

¹⁴ The X rating was not copyrighted by the MPAA, and therefore, any producer could affix that rating to their films - which led it to be used predominantly by the pornography industry as a marker of the "hardcore" nature of their films (explicit sex) (Leone, 2002, 938).

NC-17 rating, regardless of the amount of violence depicted. In this sense, films are considered to be X-rated based on social considerations of taste. This system of classification has led to the naturalisation of the concept of taboo material, which furthers the concept of governmentality within a neo-liberal framework. Within this structure, the individual in relation to the state is both an “object” to be governed as well as a “partner” in the process of governing (Burchell, 1996, 23). There has been a shift from the delegation from above to putting the onus on the individual to ensure that what films they (and their families) are viewing are indeed “correct” consumption. However these guidelines are still very much harnessed to what is acceptable in relation to depictions of sexuality on screen, but not so much acts of violence.

Films rated in the United States to be distributed by the MPAA are submitted to a review board (CARA - the Classification and Ratings Administration) which assigns classification (Leone, 2002, 939; Vaughan, 2006, 26).¹⁵ Board members are anonymous, and there are no specific requirements for membership except that “members must have a shared parenthood experience ... [and] have the capacity to put themselves in the role of most American parents” (Valenti cited in Leone, 2002, 939). Great lengths are taken to protect the privacy of the members of the board of review, ostensibly to prevent members

¹⁵ While CARA and the MPAA are technically separate organizations, there has been much manoeuvring over the years to closely align these two groups (Vaughan, 2006, 26-27).

from being influenced by filmmakers whose films are being screened.¹⁶

However, this lack of transparency also means that there are no set guidelines as to how board members actually rate films.

It would seem then that the goal of CARA is to protect children from viewing harmful material, without taking any other form of community standards into consideration. Therefore, no further knowledge of film or societal norms is required; as Ron Leone notes, “this group of people with ‘no special qualifications’ wields a great deal of power” (2002, 939). Leone also notes that films rated by CARA are often done in relation to what makes adults uncomfortable, and not in relation to whether or not viewing certain images will have a harmful effect on children (Leone, 2002, 939).

The classification process in the United States is in stark contrast to how provincial classification boards select their members in Canada. Members are appointed to their position by the premier, and cannot hide behind a cloak of anonymity like their counterparts in CARA. Attempts have also been made to ensure diversity in the boards, and that the various voices found in a community are represented (Ontario, “How We Classify,” 2007).¹⁷ Furthermore, efforts are made to appoint candidates who have a working knowledge of film and the film industry; in Canada, parenthood is not a defining criterion.

¹⁶ The lengths taken to protect the board members names is so great, that in order for filmmaker Kirby Dick to uncover who actually rates films submitted to CARA, he had to hire a private investigator to stake out the offices, and trace who the employees were through their licence plate numbers as their cars exited the building. This is documented in great detail in Dick’s film, *This Film is Not Yet Rated* (2006).

¹⁷ This is true of all of the current classification boards in Canada.

However, while the membership of the board remains a mystery in the US, there has been a push by the MPAA and CARA to explain why certain films are rated in particular ways (Valenti, 2005; Vaughan, 2006, 95). Since 1990, brief advisories have been made available with the letter rating assignment to point out objectionable material in films. This was initially only done with films rated R, but has since been expanded to include all ratings, with the exception of G (as there could be very little there to offend anyone) (Valenti, 2005). For example, the R rated film *American Pie* (1999) came with the advisory "Rated R for strong sexuality, crude sexual dialogue, language and drinking, all involving teens," while the PG rated *Bridge To Terabithia* (2007) sports this warning: "Rated PG for thematic elements including bullying, some peril and mild language" (MPAA.org, 2007). This system was adopted in 2003 by classification boards in Canada, as well as the video classification group, Canadian Home Video Rating System (CHVRS). While these guidelines are available to audiences, filmmakers are not privy to what steps can be taken to change.

In 1986, when director John McNaughton submitted his film *Henry: Portrait of a Serial Killer* to the MPAA for classification, it was handed an unequivocal X rating. As McNaughton himself notes in a conversation with journalist John McDonough,

No one expected serious problems. There was relatively little nudity. And, though violent, *Henry* was not a slasher-style gore opera. Imagine everyone's shock when the MPAA slapped the picture with an X. And not just X here and there, but a total X. "Normally when you get an X," McNaughton explains, "they say, Here are the

problems: fix these four scenes. With *Henry*, we never had that option. They couldn't reduce their problem with a few scenes. It was an overall problem. "Disturbing moral tone" was what they said." (Cited in Hantke, 2001, 32-33)

As a "voluntary" system, there is a definite lack of transparency in relation to how the American ratings board operates.

Britain

The first regulation in relation to motion pictures in Britain came in the form of the Cinematograph Act in 1909. This legislation was primarily focused on the ability of local councils to licence cinemas, but its wording also allowed them to act as censors of film content. This drew concern from the motion picture industry in Britain, for "the prospect of 688 local authorities all taking different views on whether individual films could be shown so terrified the film industry that in 1912 they voluntarily set up the British Board of Film Censors (BBFC)" (Richards, 2001, 155). Board decisions were final, and the industry stood by their decision. Local authorities for the most part went along with the Boards, but they still retained the right to censor films if they saw fit.¹⁸ Films were initially classified either as U (suitable for all) or A (adults only, i.e., those over 16).¹⁹

¹⁸ For example, in 1932 Beckenham Council set up their own censorship board and began to reclassify or ban outright films that had already gone through the BBFC. Eventually, they were curtailed by rising opposition from both the film industry and the population of their council (Richards, 2001, 155).

¹⁹ Its initial guidelines for censoring films were brief, "no nudity and no depictions of the figure of Christ" (Richards, 2001, 156). By 1917 this was expanded, and the following depictions were forbidden: "prostitution, premarital and extramarital sex, sexual perversion, incest, seduction, nudity, venereal disease, orgies, swearing, abortion, white slavery, brothels and so on" (Richards, 2001, 156).

The BBFC was an independent body with no governmental control, but the Home Office often worked in conjunction with the board, especially during wartime to regulate content for propaganda purposes (Richards, 2001, 156-157). The façade of independence as put forth by the board was however very useful, as the government could distance itself from complaints by highlighting the fact that the BBFC “operated by its own rules free of government interference” (Richards, 2001, 156). The board gained further control over film content in the 1930s as the concept of script vetting was introduced – the board would review scripts before shooting commenced and request changes to problematic material. While script vetting was entirely voluntary, it was touted by the board as a money saving device (in order to avoid reshoots), and about one third of British films produced in the 1930s went through the process (Richards, 2001, 157).

From the outset, the BBFC maintained the stance that their duties involved upholding the moral fibre of society. An undated pamphlet put out by the board (most likely from the interwar years) outlines their policies and goals, and demonstrates that the BBFC was striving to maintain a high level of community standards:

The broad general principle that nothing will be passed which is calculated to demoralize the public...Consideration has to be given to the impression made on the average audience which includes a not inconsiderable proportion of people of immature judgement. (Davy cited in Richards, 2001, 156)

Of course, instead of taking into account what the community standards may have been at the time in Britain, the board was attempting to impose its views upon the populace, and not the other way around.

The board added a new classification rating in 1933, H (for horrific), in response to the popularity of horror films that were being imported from the United States; this was later changed to X in 1951 (Richards, 2001, 157). Over the next few decades, the censorious nature of the board changed, and by the late 1960s, nudity, swearing and sexuality were being allowed onto screens in increasing instances (Richards, 2001, 160). The board eventually changed its name to the British Board of Classification, and in 1982 introduced a new set of ratings: U (universal), PG (parental guidance), 15, 18 and R18 (for films presented in licensed sex cinemas) (Richards, 2001, 160-161).

As in the American example, the film ratings set out by the BBFC are merely advisable, and not enforceable by law (Brooke, 2006). However, while the ratings for films shown in cinemas are suggestions, the ratings appended to video releases are not (Brooke, 2006). As videocassettes became more popular and widely available in the early 1980s, concerns were raised about the availability of extremely violent and/or horrific films (Richards, 2001, 161). This devolved into a moral panic over the proliferation of so-called "video nasties,"²⁰ and led to the introduction of the Video Recordings Act in 1984, which gave

²⁰ "Video Nasties" are films that "feature extreme scenes of violence and violent sexuality" (Taylor, YR, 108 ADD TO BIBLIO), and many titles (such as *The Evil Dead* (1982)) were reviewed to see if they violated the Obscene Publications Act (Richards, 2001, 161). See Egan, () 2007, for an in-depth analysis of the phenomenon and its impact on British film culture.

BBFC legal right to censor or ban outright any film it saw fit (or unfit in this case) (Brooke, 2006; Richards, 2001, 161). This has given the BBFC enormous power, and as Michael Brooke points out; the Video Recording Act is “arguably the strictest system of video censorship anywhere in the Western world” (Brooke, 2006).

Canada

While the American and British systems were set up as voluntary self-regulating structures, Canada has opted for stronger governmental control of film censorship and classification. As Gerald Horne points out in his 1997 study of film and video classification policies in Canada the motion picture industry, and by extension the provincial classification and distribution boards, are heavily influenced by our neighbours in the south:

The debate over Film and Video regulation has waxed and waned over the years since the birth of the motion picture industry. Occasionally a film has been banned by a local authority. The Hollywood publicity machinery has sprung into action crying censorship and attempting to paint the local authorities as hayseeds, to which the local authorities either capitulated or stood their ground--supported on occasion by church and community leaders. (Horne, 1997, 5)

It would seem that the provincial film boards can come under enormous pressure from the MPAA and Hollywood in general to tow the party line and to ensure that whatever rating is given in Canada is comparable to that already decided in the United States. Part of this pressure for Hollywood films to be rated the same in Canada and the U.S. can be linked back to the fact that, by and

large, Canadian distribution companies tend to focus on American films.²¹

Nevertheless, films exhibition in Canada is still predominantly controlled by American companies, with the profits immediately returning south of the border (Pendakur, 1990, 29; Dorland, 1998, 54).

One of the better-known examples of the negotiation between Hollywood and the provinces is the case of *Pretty Baby* (1980); an American film directed by Louis Malle and starring Brooke Shields as an underage prostitute (Horne, 1997, 5). In this case, the issue was not graphic depictions of sexuality or nudity, but rather the film's theme and "tone" (Dean, 1981, 86). It was banned from screens in Ontario and Saskatchewan, which caused an uproar not only from the Canadian public but also from the MPAA (Dean, 1981, 123; Horne, 1997, 5). More recently, the Saskatchewan film board had objection to the film *Exit to Eden* (1994), a raunchy comedy based on the novel of the same name by Anne Rice. This prompted the film's distributor Savoy Pictures (an American company) to decry this move as censorship, and pressure the board to rethink its position, especially in light of the fact that the film was "a mainstream comedy and should not be subject to the strict rules meant for 'adult' movies and videos" (Horne, 1997, 5).

Despite the considerable scholarly focus on Hollywood, the MPAA and the BBFC, it seems notable that the first censorship boards in North America were

²¹ There are currently five major Canadian distribution companies all of which distribute feature films (from Canada and abroad) and numerous exhibitors. Most notable of the distributors are Alliance Atlantis Communications and Lions Gate Entertainment (www.filmguide.ca).

actually set up in Canada (Dean, 1981, 20; *Take One*, n.p., 2001). In 1911, Ontario set up its Board of Censors to look specifically at film content; Manitoba and Quebec soon followed suit (Dean, 1981, 19-20; *Take One*, 2001, n.p.). Quebec's motion picture act concerning *Vues Animées* came into effect in 1911, updating an earlier law that barred the public exhibitions of "monsters" in circus side shows (Hébert et al, 2006, 418; Dean, 1981, 19).²²

Quebec's history as a predominantly Catholic society is reflected in the influence the Church held in the early days of film exhibition in the province (Hébert et al, 2006, 230-231). Even after the implementation of a provincial board of censors, the Catholic Church continued to lobby for stricter censure of film content (Hébert et al, 2006, 232). They pressured the Quebec government to rewrite the Motion Pictures Act in that province in 1928, stipulating that all children under the age of sixteen should be prohibited from attending movie theatres, a law that was in effect until 1961. This was in part a response to a fire in a Montreal cinema in 1927 that claimed the lives of 78 children (Hébert et al, 2006, 420). While this was the foremost reason for barring children from the movies, there were also concerns raised by the Catholic Church, which echoed those of moralists in Britain and the United States, that movies were corrupting the minds of the young (Hébert et al, 2006, 230).

²² The law read: « Toute exhibition publique de monstres, d'idiots, ou d'autres personnes imbeciles ou difformes à compromettre la sûreté ou la morale publique, peut être prohibée par les conseils locaux de la province; » in English, roughly: "all public exhibition of monsters, idiots or other deformed or imbecilic persons that may compromise the security or morality of the public can be banned by the local councils of the province" (cited in Hébert et al, 2006, 418, author's translation).

While previous municipal boards had been set up in the United States (in New York and Chicago), Britain and Toronto (Dean, 1981, 19); provincial level classification was the first attempt to create a larger-scale system of control of film content. Alberta and British Columbia set up boards in 1913 (Dean, 1981, 110; 116), and Nova Scotia enacted its own Theatre and Amusements Act in 1915 in order to regulate films not only in that province, but also New Brunswick and Prince Edward Island (Nova Scotia Department of Labour and Workforce Development, 2005). Newfoundland has never had a board of film censorship or classification in place as a Canadian province. While it was still a British colony, a board was set up in 1916. This held sway until 1947 (Dean, 1981, 131-132), but since joining Canada, Newfoundland has looked to Nova Scotia for its ratings. Similarly, Nunavut, the Yukon and the Northwest Territories do not have classification boards, and have instead looked to neighbouring provinces British Columbia and Alberta (Media Awareness Network, 2007).

Since the 1960s, provincial boards have been making a concerted effort to shift away from their original role as censors and have remake their image. They have instead focused on their role of classification and rating films rather than their ability to censor or ban films outright (Hébert et al, 2006, 421; Horne, 1997, 20). As early as 1961, the censor board of Quebec stopped ordering cuts to be made to films but rather passing or refusing movies in their entirety (Hébert et al, 2006, 421). In theory, this shift seemed to give more power to the audience to

decide what they wanted to see, shifting the onus of responsibility from the government to the individual. However, it was not a straightforward process.

While Quebec had decided to introduce a ratings system in August of 1967 and move from a *bureau de censure* (censorship board) to a *Régie de Classement* (classification office), films were still being vetted right up until the changeover. Most notable of these is Larry Kent's film *High* (1967), a critical look at the hedonistic counter culture in Montreal in the late 1960s. The film was presented to the censor board on July 31st and denied screening permission on August 7th. *High* was scheduled to premiere at the Montreal International Film Festival on August 11th, only one day before the new ratings system was scheduled to be implemented. With the board's refusal, the film was not allowed to be shown, which caused shockwaves through the film community. At the festival that year, directors Allan King and Pierre Lefebvre shared the top prize; however, in solidarity with Kent and in protest against the Quebec government for their censorious actions, they decide to split the winnings among all of the directors whose films had participated (or were supposed to participate) in the festival, including Larry Kent (Hébert et al, 2006, 410). *High* was eventually approved for release in Quebec in 1968, and the *loi sur the Cinema* was amended to exempt festival screenings from the ratings process (Hébert et al, 2006, 410).²³

²³ Films that are only being shown at festivals do not have to be submitted for a rating by the provincial boards; however, while they are given an exemption they still must not contravene federal obscenity law. Furthermore, they are screened by the respective board and are restricted to audience members over the age of 18.

During the 1980s, Ontario's Board of Censors became the Ontario Film Review Board (OFRB); in British Columbia, the Film Censorship Office became the Film Classification Office (FCO); Quebec moved away from the *Bureau de Censure* and embraced the *Régie de Cinéma* (Hébert et al, 2006, 422-423). While the boards have distanced themselves from their role as censors, it is important to remember that these classifications still bear the weight of law. Unlike the voluntary process set up by the MPAA and the BBFC, the ratings process in Canada is legislative (a point I will return to later on). This imposed form of classification can lead to restrictions, as Sarah Diamond highlights:

"Classification becomes a form of censorship when administered by a state body with the power to restrict access to material by certain audiences" (Diamond, 1986, 155).

In general, classification boards in Canada have moved away from further cutting or banning "mainstream" films from Hollywood, although it was still a common occurrence up until 1980 (Horne, 1997, 6). While censorship does not routinely happen, boards still have the ability to refuse approval of films, so that they cannot be shown in that province.²⁴ This power does not go unnoticed by the MPAA, which through its Canadian branch (Canadian Motion Picture Distributors Association [CMPDA]), has in the past worked to do away with

²⁴ See Section 2(1) of the British Columbia Motion Picture Act (1996), Section 17(1) of the Ontario Film Classification Act (2005) and Chapter 3, Section 1(76) of Quebec's *Loi sur le Cinéma* (2002).

provincial boards and lobbied for a national system of classification (Horne, 1997, 5).²⁵

While the American film industry's explicit attempts to influence film classification in Canada have not been successful, the influence of the MPAA's ratings system can be seen in the way that the majority of film boards classify films, as provincial boards shifted away from a moral guardian to consumer guide (Horne, 1997, 6-7). Furthermore, provincial boards currently promote themselves as information resources for film audiences, suggesting that their ratings should be seen as a form of "consumer guide" to reference (Horne, 1997, 7-8). As stated before, the onus has shifted from the state to the individual; as we believe ourselves to be more "liberated" than earlier film going audiences, it is thought that viewers only need guidelines and not mandates on what is permissible to watch. As provincial boards have moved to change their image from heavy-handed censor to customer service representative, giving audiences the tools they need to make informed decisions rather than dictating these choices for them, it would seem that the audience member (or consumer) has more power.

Commencing in 1997, restructuring began across many of the provincial classification boards. Saskatchewan stopped classifying films itself and began to

²⁵ As their website outlines, the "CMPDA serves as the voice and advocate of the major U.S. studios whose distribution divisions market feature films, prime time entertainment programming for television and pay TV, and pre-recorded videos and DVD's in Canada" (<http://cmpda.ca/jsp/aboutus.jsp>).

rely on British Columbia for their ratings (although they still maintain a board for distribution purposes) (Horne, 1997, n1, 1). Of the remaining boards, Alberta, British Columbia, Manitoba, the Maritimes and Ontario began to streamline their ratings, creating a system which closely resembles those put out by the MPAA.²⁶ Ratings in these provinces are, G - general, PG - parental guidance, 14A - 14 or over unless accompanied, 18A - 18 or over unless accompanied, and R - restricted - no one under 18 allowed. British Columbia has further classifications of A (Adult) to differentiate between adult sex films, which depict explicit sex and films of an adult nature (due to violence and/or sexuality) (BC Motion Picture Act, 39(f)). Alberta, Manitoba, the Maritimes and Ontario have similar classifications for films which feature "unsimulated sexual activity" (Alberta Film Ratings, 2006). Quebec is the sole exception, as it does not have a two-tier rating for the upper echelons of its system. Videos and DVDs for home viewing are not regulated by the provincial boards (other than Quebec), and are instead reviewed under the Canadian Home Video Rating System (CHVRS). This is a voluntary process managed by the CMPDA, which was brought into effect in May of 1995 (CMPDA.ca, n.d.).

While the classification boards of Alberta, British Columbia, Manitoba, the Maritimes and Ontario use a common classification system, it does not mean that films are rated the same by each board. Furthermore, Quebec has adopted a

²⁶Alberta and BC changed their ratings system in 1997 (http://www.cd.gov.ab.ca/albertafilmratings/movie_ratings_guide/A.asp, BC "What We Do," 1), Ontario followed suit in 2003 (<http://www.ofrb.gov.on.ca/english/page4.htm>).

slightly different code of ratings. Films in that province fall under one of the following four ratings: Visa Général, 13+, 16+ and 18+ ("Loi sur le cinéma," 7). Videos and DVDs distributed in Quebec are also classified by the Régie, and use the same ratings; all films must have the Régie's sticker affixed to them in order to be sold (*Régie de Cinéma, FAQ, 2006*). Unlike the other boards, Quebec does not have a buffer category in between its films that are suitable for all ages ("Visa Général) and its next level of classification. It would seem that the *Régie de Cinéma* does not feel that further restrictions are required for films unless they are deemed unsuitable for children under the age of thirteen. Furthermore, Quebec does not differentiate between 'mainstream' adult films and pornography; films are classified 18+ to prohibit youth from viewing not only explicit sexuality, but also extreme violence (*Régie de Cinéma, "Film Classification in Quebec" 2006*).

While the OFRB has been perceived as the most rigorous and censorious of all of the boards in Canada, the information may be skewed. Part of that perception is based upon the fact that as the board that reviews films for the most populous province, it often receives the most scrutiny and publicity. A recent example is the case of the French film *A Ma Soeur* (Fat Girl) (2001), directed by Catherine Breillat. While initially banned in Ontario (Lee, 2003, 31), it was eventually given a Restricted rating in that province in 2003 (OFRB.gov.on.ca, 2003). Its original censure in Ontario caused an outcry, and prompted the *Vancouver Sun* to run an editorial condemning the OFRB and

praising the BC FCO for approving the film with an R rating and the following warning: "sexual violence and sexually suggestive scenes involving minors" (*Vancouver Sun*, 3 December, 2001, A10; cited in Lee, 2003, 31). Furthermore, the banning of the film in one province was exaggerated to give the impression that the film could not be screened in Canada: "The ads for *Fat Girl* in the U.S. now carry the words 'banned in Canada.' Please, only in Ontario" (*Vancouver Sun*, 3 December, 2001, A10; cited in Lee, 32).

Though British Columbia may have been touted as progressive for not banning *A Ma Soeur* outright, it still limited the potential audience of a film about young teenagers in sexual situations. By comparison, Quebec rated the film 16+ and attached a warning of "eroticism" in lieu of a mention of sexuality (*Régie de Cinéma*, 2002).

While the provincial boards are depicted as merely a source of consumer information, they have in fact a much wider range of power. The ratings assigned by the MPAA in the United States are merely consumer guidelines. In reality, there is nothing barring a minor from viewing an R rated film on video or in the cinema in the U.S. (*Quebec, FAQ*, 2006). However, in Canada the ratings given out by provincial boards are also law:

In Quebec, ratings are established by the *Régie du Cinéma* and have force of law. Classification is not meant only to inform. When a film is rated "13 and over," a child under that age cannot be admitted unless accompanied by an adult. For films rated "16 and over," a person must show proof of age to be admitted, whether or not he or she is accompanied by an adult. (*Quebec, FAQ*, 2006)

This system mirrors that which is in place in Hong Kong, in relation to films rated in that region as Category III or “adults only” (Davis and Yueh-yu, 2001, 12). Patrons wishing to see such a film must present ID at the ticket counter and then again when entering the theatre so as to ensure that they are legally permitted (i.e., at least 18 years of age) to view the film in question (Davis and Yueh-yu, 2001, 21). Before the start of the film, a warning trailer is played, reminding the audience that the film they are about to see is for adults only (Davis and Yueh-yu, 2001, 21).²⁷ A similar form of trailer was created by the British Columbia Film Classification Office (FCO) in 1989 to remind patrons that the film they are about to watch has been rated R for ‘restricted’.²⁸ However, while these trailers are available for viewing on their website, they have not been in circulation in theatres since 1997, when British Columbia changed its ratings system (British Columbia, “The Restricted Cougar,” n.d.).

The example of Hong Kong’s Category III films also demonstrates that films can be successfully restricted to an adult viewing audience without being stigmatised or financially penalised (Davis and Yueh-yu, 2001, 13). These films play in the same multiplexes as films with less restrictive ratings, and sit side by side with more family friendly fare on the shelves of the local video store (Davis

²⁷ The warning continues by stating that if any minors are found in the audience “and so causes the cinema management to be prosecuted by the police or TELA [Hong Kong Television and Entertainment Licensing Authority], the management reserves the right to take civil action against that person” (cited in Davis and Yueh-yu, 2001, 21).

²⁸ The ‘Restricted’ classification was originally introduced in BC in 1960, in the form of the “Restricted Cougar” logo which adorned films restricted to viewers 18 and over (<http://www.bcfilmclass.com/cougar/index.htm>)

and Yueh-yu, 2001, 13). This is the opposite of what happens to restricted films in the United States, where the NC-17 rating is seen as a financial “kiss of death” (Miller, 1994, 257; Leone, 2002, 938). In Canada, films that are rated R (in British Columbia and Ontario) or 18+ (in Quebec) are treated with varying degrees of acceptance. As the previous discussion of Catherine Breillat’s *A Ma Soeur (Fat Girl)* demonstrates, films that are deemed excessive in one province are often passed without hullabaloo in another. Of course, ratings given out to films that restrict viewers under eighteen from seeing them are upheld by law, and even in British Columbia, which presents its classification board as “one of the most progressive motion picture regulators in the world” (British Columbia Film Classification Office?, “Mission Statement”, n.p.), restricted films are still treated differently.

During a recent trip to a local video store in Vancouver, I noticed that all of the films rated R were grouped together, rather than by other categories such as genre or director. Furthermore, this ‘restricted’ section of the store was located on the uppermost shelf, running along the ceiling; I had to ask a clerk to get down a title for me.²⁹ Under the B.C. Motion Picture Act of 1996, restricted films are actually “Adult Films” and must “be physically and visually segregated from minors who may be permitted on the premises of that retailer” (BC Motion Picture Act, Section 6, Para 4(b)). Therefore, while classified as “different” from

²⁹ Restricted titles in BC include such lauded (but difficult) films as *Requiem For a Dream* (Darren Aronofsky, 2000) and *Henry, Portrait of a Serial Killer* (John McNaughton, 1990), as well as more exploitative (or sensational) fare such as *Pink Flamingoes* (John Waters, 1972) or *I Spit on Your Grave* (Meir Zarchi, 1978) (BC Restricted List, 9 June 2008).

pornography, restricted films in B.C. are still classified by their rating and not their story.

Bill C-10, Canadian Film Production and Control

Up to this point I have looked exclusively at how attempts have been made to control the distribution of film content to audiences. However, it is important to look at how federal involvement in film production also has the possibility to shape a film's content. While classification is dictated by provincial law, and all films shown in Canada must be reviewed prior to general release, the Canadian film industry would not still be in existence if not for the number of incentives the federal government has thrown its way over the years to keep it going. Of course, not all of this aid comes with no strings attached, and due to the government's involvement in the film industry, there has thus been much scrutiny over the years as to the quality of films produced in Canada, and whether they are worth taxpayers' support. As the title to Robert Fulford's 1975 review of the film *The Parasite Murders* (aka *Shivers*, directed by David Cronenberg) for *Saturday Night* magazine points out, "You should know how bad this film is. After all, you paid for it" (83).

Counter to this desire of creating only high quality films is the fact that for many years the Canadian film industry has floundered due to a shortage of funding. A failed attempt was made in the 1920s and 1930s to promote domestic film production by allowing American companies to film "Quota Quickies"

bound for the British market (Morris, 1978, 180-181), but this amounted to no more than a series of glorified location shoots. While state support of a private industry is still a contentious issue, the idea of government incentives for feature film production is in no way a new development brought to light by Bill C-10.

While film exhibition is regulated at a provincial level, the federal government has often expressed an interest in the way that Canada is depicted in film, and prior to Bill C-10 has often attempted to ensure that the nation's image was being projected in a positive light. In 1924, a deputy minister of the Department of Immigration and Colonization, W.J. Egan, attempted to start an initiative to ban films that showed Canada in an unfavourable light (cited in Gasher, 2002, 37). The impetus behind this effort was to promote Canada as a desirable place to immigrate to, efforts thought to be hindered by negative depictions of the nation in film. Egan noted in a letter to B.C. Minister of Finance John Hart (whom he was petitioning for his co-operation in this project), "Many of the representations of Canada which are made on the screen are grotesque and damaging in the extreme," to the process of encouraging immigrants to settle in Canada (cited in Gasher, 2002, 37).

There is a paradox in this situation, for it is well-known that the Canadian feature film industry has been dependant on government support from the start, but government policies for funding Canadian films have often been very cautious not to offend Hollywood (Pevere, 2008, 214-215). Perhaps the most well-known example of an attempt by the Canadian government to promote film

production is the Capital Cost Allowance (CCA) plan of the late 1970s and early 1980s, which brought about the infamous 'tax shelter' era of Canadian film.

The CCA allowed investors to use film productions as tax shelters for their assets, which caused a boom in film quantity in Canada, but not always quality. Quite simply, it didn't matter what the film was, so long as it was made in Canada (Pevere, 2008 216; Vatnsdal, 2004, 122). While this plan attempted to garner interest in the Canadian film industry, but the main product of this time was some creative accounting. Many a doctor, dentist or architect used the tax-shelter concept to protect their assets, and not to produce quality Canadian features (Vatnsdal, 2004, 120; Pendakur, 1990, 175; Pevere & Dymond, 1996, 214). As Caelum Vatnsdal remarks of this era in Canadian filmmaking, "abuse was rampant, not just to tax laws, but to cinema itself" (2004, 121). Many films were made although only about half of them saw the light of day (Melnik, 2004, 115), and the lack of trained production crews meant that producers would often hire Canadians simply to have their name on the film, which would ensure its Canadian status (Pendakur, 1990, 174).

The most recent attempt to control film content at the production level occurred on October 27th, 2007, when the Canadian House of Commons passed Bill C-10, known as *The Income Tax Amendments Act, 2006*. Buried within this 568-page document were proposed changes to the manner in which tax credits could

be given to Canadian film productions.³⁰ One of the proposed changes was refusing (or rescinding) credits to productions that were “contrary to public policy” (*Income Tax Amendments Act, 2006*, 346).

Essentially, these amendments proposed to give the Minister of Heritage the ability to review scripts of domestic film productions applying for federal tax credits. So vaguely worded were these amendments that it was passed through the House of Commons and on its way to approval by the Senate before the Canadian film community even realised that something was up (www.cbc.ca, 28 February 2008). Quite simply, it is difficult to discern what exactly “contrary to public policy” might mean. However, filmmakers (from Canada and abroad), members of the film industry and local politicians (such as Vancouver Mayor Sam Sullivan) expressed fears that these new measures could amount to economic censorship, as directors and producers would be less likely to secure private funding if they have not been granted tax credits (Smith, 12 June 2008). Thus, critics of Bill C-10 have raised concerns that the Canadian government would be able to exact a form of economic censorship upon productions that were not deemed to reflect “Canadian” values, or at least the values that are held by the Canadian government as positive attributes for the nation.

³⁰ Canadian Film or Video Production Tax Credits (CPTC) is a program run by the Canadian Audio-Visual Certification Office (CAVCO) of the Department of Canadian Heritage. They are designed “to encourage Canadian programming and to develop an active domestic production sector.” Credits are available for twenty five percent of the budget of a production’s labour costs, and are fully refundable (http://www.pch.gc.ca/progs/ac-ca/progs/bcpac-cavco/index_e.cfm).

Central to this debate was the Canadian film *Young People Fucking* (2008, alternately titled *Young People F***king*), directed by Martin Gero, which received some \$80 000 in tax credits from the Canadian government (Smith, 12 June 2008). As the film's producer Steven Hoban has noted, this movie (a comedy about the sexual exploits of several twenty-somethings) most likely would not have received tax credits just for its title alone had it been reviewed under the proposed amendments (www.cbc.ca, 28 February 2008; Smith, 12 June 2008). In essence, not being granted credits for one production jeopardises one's eligibility for further government and private money for future films, as producers denied funding are not seen as a safe investment. This could effectively stall the careers of young filmmakers in Canada (Smith, 12 June 2008). Hoban observes that without a secure system of tax-incentives in Canada for film productions, there is no real impetus for domestic productions to remain in Canada to film if one can get money to shoot elsewhere (Smith, 12 June 2008).³¹

The clause in question in Bill C-10 was eventually struck from the proposed amendments (MacDonald, 8 October, 2008). However, the debates around it galvanised the arts community and reopened further discussions as to the struggle for control between federal and provincial governments in regard to film distribution and who has the final say in regards to a region's community standards. Had it been passed, the proposed amendments in Bill C-10 would in

³¹ The amendments proposed in Bill C-10 would have only affected domestic productions; foreign productions seeking credits to shoot in Canada are not subjected to the same requirements.

some ways usurp the duties of the provincial classification boards. By refusing tax credits to “unsuitable” productions, some films would not get made. This would mean that possibly ‘offensive’ material would already have been deemed so at a federal level, leaving the provinces out of the loop, and shifting classification (or censorship) from a finished product to the very idea of a product. While this may seem like the provincial boards only have a symbolic authority over the films shown in their region, their power actually goes deeper than that.

Conclusion: Voluntary vs. Legislative Classification

When looking at the issue of film classification, the issue of morality comes up repeatedly. Censorship boards and their descendant classificatory agencies are often seen as moral guardians of youth. Most often, when it comes to film, it is not the effect of mainstream media that is of concern for lobbyists and government officials, but the effect of what is produced on the margins.

In essence, there is always a certain amount of negotiation going on between the federal and provincial levels of government in relation to film censorship. However, what is often missing is public opinion: while the film classification offices stand in as representatives, these matters take place often without much public discussion, or in many cases, public interest. While this was not the case with the events surrounding Bill C-10, it would seem that, as issues

pertaining to freedom of expression they should get more attention than they usually do.

The curtailing powers of film classification are often not noticed as an obstacle to rights of expression. While it is a subject that has been touched upon when looking at the motion picture industry in general, in Canada it continues to travel under the radar. Gerald Horne proposes that part of the problem lies in a lack of education of the public at large; there simply are not enough resources available to properly disseminate the information (1997, 18). While this is a topic that clearly requires further study, the diverse nature of classification systems in Canada makes it a daunting task. The fact that there are six different boards working in varying ways means that there is an abundance of information and documentation to wade through in order to create a coherent picture. This situation was further complicated by the introduction of Bill C-10, which is focused on the field of production of cinema in Canada, and not its distribution. This seems to collapse the boundaries between production and distribution, and calls into question the role of the provincial classification boards. Time will tell how these events will play out, however while further study is of the utmost importance.

Ultimately, film classification in Canada boils down to the negotiation of a two tier system: if a film is deemed not obscene in accordance with the Criminal Code at a federal level, it is up to the provincial bodies of legislation to rate it as

they see fit (Boyd, 1986, 139; Lee, 2003, 31). In relation to funding initiatives, while it is legal to produce pornography in Canada, these films are not eligible for tax credits (Brean, 8 March 2008). Furthermore, while these new measures have been introduced to prevent films “deemed in violation of the Criminal Code” from receiving public support, the fact is that there has yet to be such a case where a film looking for government funding has infringed the Criminal Code in any way (Howell, 10 March 2008).

In the current system of classification, a film must first pass a “national community test” before being scrutinised at a more local level. However, this national test relates exclusively to the question of obscenity as dictated by the Criminal Code of Canada, and provincial boards are still permitted to rate films in regards to the perceived standards of their own populations, so long as they are not in violation of the Criminal Code (Lee, 2003, 12-13). In light of this it would seem that any attempt to set up a national board of review would not take into account the diversity of the nation, a view that was shared by the Fraser Committee in its findings:

It seems to us that review at the provincial level serves a valuable function. We have been impressed by the desire of people to feel that they have access to the review process, and that they can influence its decisions. A national board would be even more remote, in the eyes of some, than the boards now located in the provincial capitals. ... The provincial board can and should be more sensitive to local taste, albeit within the framework of the national criminal law, than a national board could be. The community [has] a useful role in determining what it wants its young people to see, as opposed to determining what is criminal, and we think that that role can be

exercised to more effect on a provincial rather than a national basis.
(Cited in Lee, 2003, 31)

While the cultural benefits of maintaining a provincial system of classification are clear, there is also a financial aspect. Film and video classification generate a large amount of revenue for the provinces, and it is highly unlikely that they would be willing to give that up (Horne, 1997, 1).³²

In this light, Bill C-10 represents a threat to the income generating systems that the provinces have put in place to regulate and classify films that are shown in their regions. However, it is difficult to predict what damage (if any) these amendments will have on the nation's film industry. Furthermore, while Bill C-10 has been criticised as censorious, is it any worse (or better) than the system that is in place right now? As Graham Burchell points out, issues of governmentality are never cast in shades of black and white:

An interesting thing about some of the neo-liberal innovations in governmental methods is that they are not all unambiguously 'bad'. Or at least, it is by no means obvious that in every case they are clearly either better or worse than the methods they have replaced. We have not really begun to consider the complexity of the questions involved in the political evaluation of governmental techniques.
(Burchell, 1996, 234-35)

Therefore, there is a need to question all forms of film regulation, not in relation to their perceived 'goodness' or 'badness', but rather in how they work within the larger societal framework

³² In 1997, film and video classification was a source of revenue of between \$100,000 and \$2.7 million dollars for the provinces of Québec, Ontario, Alberta and British Columbia (Horne, 1).

Canadian-made films are becoming more and more noticeable on the world's screens. Much of what has been celebrated in Canadian film are the eccentricities that have been brought to screen, and Canada is known for its weird and quirky films that seem to revolve around, as Katherine Monk puts it in the title of her book on Canadian film, Weird Sex and Snowshoes (2001). At the level of production, there is much at stake in relation to whether or not one is allowed to express one's ideas without censorship. Of course, just because Canada's film industry is so meagre, it does not mean that we should ignore how films are being classified – the distribution of films and the perceived messages that they communicate still make up a large part of the cultural products from which we create identity, weird sex and all.

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