

Hollywood's Reproduction Code: Regulating Contraception and Abortion in American Cinema,  
1915-1952

By

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*To my paternal grandparents, Ernest Robert and Cornelia Ongenae Minarich,  
without whom none of this would have been possible*

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## TABLE OF CONTENTS

	Page
DEDICATION.....	iii
ACKNOWLEDGMENTS.....	iv
I. Introduction.....	1
Popular and Prescribed Morality in Reproductive Rights History.....	5
Regulation and Interpretation.....	16
The Reproductive Woman’s Film as Liberating Filmic Space.....	20
Chapter Descriptions.....	30
Chapter 1.....	30
Chapter 2.....	30
Chapter 3.....	31
Chapter 4.....	32
Coda.....	32
II. From Sexy to Pregnant: The Problem with Women’s Erotic and Reproductive Agency.....	34
The Sex/Pregnancy Divide.....	37
Problems with Erotic Agency: Female Types and Transitional Era Censorship.....	43
The White Slave and Film’s Changing Legal Limitations.....	46
The Vamp.....	62
The Flapper.....	70
The Femme Fatale.....	76
III. Contraceptive Education: Morals, Science, and Eugenics.....	84
<i>Where Are My Children?</i> , Margaret Sanger, and On-screen Birth Control: Eugenics as Scientifically and Morally Educational.....	88
Narrative Integration as Educational Framework: The Visual Rhetoric of Eugenics.....	112
Female Degeneracy: Dysgenic Invisibility and the Gendering of Blame.....	129
IV. Reproductive Agency on Trial: The Criminality of Choice in 1930s Abortion Exploitation Film.....	142
Moralizing the Illegal: Abortion Practice and the Exploitation Film.....	145
<i>Guilty Parents</i> and <i>Gambling With Souls</i> : The Case of the Reproductive Woman.....	158
<i>Race Suicide</i> and <i>Unborn Souls</i> : Investigating Abortion’s Morality.....	179

V. The Visible and the Violent: Classical Hollywood Melodrama and the Abortion Spectacle.....	191
From Exploitation to Mainstream: Surgical Spectacle in <i>Men in White</i> .....	194
Reproductive Agency Up in Flames: <i>Christopher Strong</i> 's Spectacular Abortion.....	211
“Yes, she was that kind of monster”: <i>Leave Her to Heaven</i> and the Domestic Abortion Spectacle.....	223
VI. Coda.....	235
FILMOGRAPY.....	243
BIBLIOGRAPHY.....	246



## INTRODUCTION

“Strange, isn’t it? Each man’s life touches so many other lives. And when he isn’t around, he leaves an awful hole, doesn’t he?”

—*It’s a Wonderful Life*

So says a knowing Clarence to a bewildered George Bailey in Frank Capra’s *It’s a Wonderful Life* (1946). The familiar spin on Dickens’ *A Christmas Carol* follows the story of George (Jimmy Stewart), a husband and father who begins to question the choices he’s made throughout his adulthood. Frustrated with his current financial, professional, and personal predicament—and feeling awfully sorry for himself—a shot-reserve-shot sequence juxtaposes shots of a distraught, inebriated George contemplating jumping off of a bridge and committing suicide with shots of the icy river below. Before George jumps—or doesn’t—we are confronted by the snowy, bleeding visage of George: the selfless, well-meaning friend and family man who has done immeasurable good for those in his community of Bedford Falls. After having witnessed George’s transformation from an ambitious young man to an embittered and frustrated middle-aged one, the film frames George in the bridge scene both narratively and cinematically almost as a martyr—but just almost. *It’s a Wonderful Life* takes a hard line against suicide; George can only be a living martyr, not one who died by his own hand. George is saved, however, by a jump not to end his own life, but one to save that of another: the angel-in-training Clarence. Clarence, who has been sent from on high to help George realize the value of his life, does exactly that by indulging George in a type of abortion fantasy: what *would* the world be like had George Bailey never been born?

The answer, in short, is this: much, much worse. “You’ve been given a great gift, George: a chance to see what the world would be like without you,” explains the patient Clarence as we

cut to a medium shot of George alone, shaking his head in disbelief—one of many such shots during the abortion fantasy portion of the film that underscore the isolation and remorse George feels as he is emotionally (and sometimes physically) pummeled by the ill effects of his imaginative self-abortion. George learns that had he never been born, his brother drowned as a child; old Mr. Gower, the druggist, spent 20 years in prison for poisoning a child; his Uncle Billy lost the family business and went mad; and—perhaps worst of all!—Mary, his wife, became a stereotypical spinster librarian. This is all simply too much for George, who desperately prays for an end to his abortion fantasy-turned-nightmare: in a revision of the earlier attempted suicide scene, George returns to the bridge, this time in a tearful pose of prayer and supplication, begging, “Please, God, let me live again!”

Capra’s holiday classic may seem the least likely of places to look for reproductive rights politics, but as I argue, this film serves as a keen example of the kind of conservative pro-life rhetoric and ideology found in Hollywood’s golden era. Although abortion is never mentioned, of course, the moralizing message of George’s story comes through loud and clear—all life is precious, and it would do the world great harm to prevent a potential boon to society like George Bailey from being a part of it.

Just two years later, an imitation of *It’s a Wonderful Life* treats the pro-life message much less artistically and much more obviously. What was suggested only metaphorically in *It’s a Wonderful Life* is unmistakably implied—although, under the Production Code, not explicitly stated—in *Good Sam*. Leo McCarey’s *Good Sam* (1948) stars Gary Cooper as Sam Clayton, the George Bailey-esque patriarch whose generosity lands his family in financial trouble at Christmastime. Sam just can’t resist helping when he learns that a young couple he knows, the Adamses, are considering abortion because they cannot afford the cost of raising a child.

Appalled at the thought of abortion, Sam loans the Adamses money that was meant for the Clayton family's very necessary mortgage payment. This gesture outrages his wife, Lu (Ann Sheridan), who chides Sam for prioritizing the Adamses' situation over potential foreclosure upon the Clayton home: "Don't throw their baby in my face! What's the baby going to do? Sell papers and pay us back?" Lu is the sensible one here—or so she thinks—with her opinion that providing for her own family takes precedence over providing for another's. Lu does not seem to have a problem with Mrs. Adams having an abortion for financial reasons.

Interestingly—although perhaps expectedly—Sam, like George Bailey, is the pro-life voice in this film. Later on, Sam again attempts to explain his loan decision to Lu: "It seemed so right to tell them they must have the baby. And they'd regret it the rest of their lives if the didn't. Years later, they'd find themselves saying, 'he'd be sixteen now...'. Well, that's about it. The house seemed awfully unimportant at that moment." Like George, the misunderstood and underappreciated Sam decides to cope by getting drunk at a local bar; unlike George, it's not Sam who has the suicidal abortion fantasy—at least, not for himself. Sam, by contrast, is more concerned with saving, so to speak, the Adamses' fetus. Through imagining the Adamses' bleak and guilt-ridden post-abortion future, Sam emphasizes not only the importance of the as-yet-unborn Adams baby itself, but he also emphasizes what he sees as the permanent and inevitable void left by said as-yet-unborn baby should the Adamses choose abortion. By some kind of generic gendered logic, one might anticipate that Lu would be the one to object to Mrs. Adams' consideration of abortion because she herself is a woman and a mother. Instead—as we will see throughout this project—women like Lu are the ones who understand a woman's need for reproductive agency, while men like Sam attempt to curtail, if not squash, said agency under the rationale of morality. The film obviously sides with Sam: in the end, he gets a loan for the house,

a promotion at work, and a namesake in the Adamses' newborn baby boy. While never explicitly using the word "abortion," *Good Sam* heavily implies through its innuendo-laden dialogue that abortion is exactly what it is dealing with—and it does not support abortion as an option, even for a couple who cannot financially support a child.

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In this project, I trace the larger trajectory of how reproductive rights are treated, addressed, and represented in the visual and verbal rhetorics of Hollywood film from the Progressive era to the mid-century. Over the course of this 37-year span, I observe a distinct shift in the visual and verbal rhetorics of choice in film. In the 1910s, there is a premium placed upon education, both scientific and moral, as a component of narrative film after the *Mutual v. Ohio* decision in 1915. These films present ambiguous messages about birth control and abortion; I argue that this ambiguity ultimately emphasizes a woman's right to choose as a result of a woman's right to proper and legitimate contraceptive education. The science films of the 1920s, while not Hollywood narrative films, nonetheless demonstrate the burgeoning influence of the classical Hollywood narrative form even upon media as remote as science films. The abortion exploitation films of the 1930s illustrate a move away from choice while ostensibly not abandoning it completely. These films bear the trappings of the educational, but the hyperbolic and exploitative content that defines their contradictory narratives far eclipses any semblance of the educational. By the 1940s, the last vestiges of the scientifically educational—the last vestiges of reproductive choice—have been replaced completely by the prescribed moral master narrative of the dutiful, unquestioning, and normative wife and mother, as found in the abortion

melodrama. Anything and anyone that so much as suggests contraception or abortion is vilified and dismissed.

There are three key approaches that inform my study; the first two are historical while the last is theoretical. Historically, I draw heavily upon Leslie Reagan's notion of prescribed versus popular morality as a crucial means of understanding a.) the discrepancies and ambiguities inherent to the contraception/abortion film, and b.) the shift over the course of the thirty-seven-year span of my project that I observe from narrative films with morally and scientifically didactic purposes to films that completely disavow even the semblance of an educational purpose. From the historical perspective of censorship, Annette Kuhn privileges the concept of regulation over censorship as a more accurate description of the back-and-forth act of interpreting and passing films, as it allows for greater input and agency on the part of the filmmaker within the process of censorship. Lastly, my project also has a theoretical basis in the work of Laura Mulvey and Mary Ann Doane from which I am able to reclaim a place for female reproductive agency within film.

### **Popular and Prescribed Morality in Reproductive Rights History**

With this section, I aim to look at and establish a background for one historical context that I feel centrally informs the films I examine throughout this study: abortion practice in the interwar United States. I will begin with abortion history in order to show how its attendant ambiguities (moral and legal) could easily seep into and overlap with those ambiguities found, to various degrees, in the films analyzed in my project. Furthermore, understanding the ambiguous nature of abortion in early twentieth century America—the discrepancy between law, popular representations (such as those in the films I discuss) of abortion, prescribed morality, and popular

morality—is critical to an understanding of how the Production Code may be applied to the abortion crime films, as well as to how the films function within the context of crime films.

Leslie J. Reagan, historian of women and public health, emphasizes several key points regarding the history of abortion in the twentieth century United States that I find particularly salient for my discussion here. In her study, *When Abortion Was a Crime*, which examines the history of illegal abortions in the U.S. leading up to the Supreme Court's 1973 *Roe v. Wade* decision, she begins by asserting that her study “challenges the dichotomy between public and private” in a way that moves beyond turn-of-the-century notions that the public sphere was the domain of men and the domestic sphere the domain of women: “[My book] looks more toward the private sphere and finds interaction between what have been assumed to be two distinct spheres. The relationship between public and private is dynamic; it is not just that the public has invaded private life or that excluded, politically unrecognized groups, including women, have found ways to move into public life. Rather...the private invaded the public” (Reagan 2). Reagan proceeds, through using Chicago as a localized case study as well as analyzing national policy and trends, to demonstrate the many ways in which, in practical terms, abortion was neither as taboo nor as indicative of moral degeneracy as we would typically historically think based upon stories and representations of it in popular media, and this is all in spite of its illegal status.

Reagan breaks the recent history of abortion into 4 periods, running from 1880 to the late 1990s, when her study was published. The first period, 1880-1930, is one where “abortion was widely accepted and was practiced in women’s homes and in the offices of physicians and midwives...A crackdown on abortion occurred between 1890 and 1920 as specialists in obstetrics renewed the earlier campaign against abortion, and the medical profession was drawn into the state’s enforcement system” (Reagan 14-15). We will see some evidence in

representations of abortion from the films in Chapter 2, such as *Where Are My Children?*, that illustrates this point; Mrs. Walton, her friends, and eventually her maid's daughter, Lillian (with fatal results), visit Dr. Malfit in his office, which appears to be in a house. Additionally, reformers' calls for better regulation and health standards beginning in the mid-1800s all but necessitated some manner of state intervention in the medical practice, and those anti-abortion groups and protesters, notably Dr. Horatio R. Storer, used these moves for reform to outlaw—and ideally do away with—abortion.<sup>1</sup> Between 1860 and 1880, America saw innovations in changing laws that importantly “eliminated the common-law idea of quickening<sup>2</sup> and prohibited abortion at any point in pregnancy” (Reagan 13). These moves not only legally took away a woman's right to choose whether or not to have an abortion, as indicated by the latter stipulation, but they also devalued a pregnant woman's personal experience with her pregnancy, as indicated by the first stipulation. Additionally, this is the time period during which the Comstock Laws—the laws that would later precipitate reproductive rights pioneer Margaret Sanger's and Lois Weber's fictional Dr. Homer's stints in jail—came in into effect, for “[t]he ‘Comstock Law’ passed in 1873 included abortion and birth control in federal antiobscenity legislation; states and municipalities passed similar ordinances” (Reagan 13).<sup>3</sup>

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<sup>1</sup> As Reagan notes, the ideology behind Storer's campaign was based upon a racist brand of eugenics not completely different from that espoused and promoted by Lothrop Stoddard in 1920; however, Storer's publication, *Why Not? A Book For Every Woman*, appeared decades earlier in 1868. Basically, Storer feared, as Stoddard phrased it in his own book, “The Rising Tide of Color”; he wondered whether the then-sparsely-populated areas of the United States would ““be filled by our own [white] children or by those of aliens?”” (Qtd. in Reagan 11).

<sup>2</sup> Quickening is a concept that has been understood for centuries as the point at which a pregnant woman can feel her fetus move within her womb. This definition of understanding a pregnancy as such is, it is worth noting, “grounded in the female experience of their own bodies” (Reagan 8).

Given that a woman could be punished in some manner (fined, jailed) for disseminating information related to birth control or abortion—let alone actually going through with an abortion—it comes as no shock that, as Reagan aptly puts it, “[t]he antiabortion campaign was antifeminist at its core” (Reagan 11). As a movement, it aimed—and aims—to undermine and outlaw a woman’s right to make personal choices about her own body that would have significant bearing upon her own life, and this sense of a right to choice is not just a construction of the post-WWII protest era:

In their conversations and behavior women expressed their sense that abortion was morally acceptable, and through their actions, they asserted a ‘right’ to make moral decisions about reproduction and to use abortion. They did not use the language of civil rights to express their views, but simply assumed that the decision to avoid childbearing, through the use of contraceptives and abortion, was theirs to make. (Reagan 44)

Thus, given this pervasive and enduring feeling of human entitlement to a right to choice, we can see how abortion would persist despite its illegality, despite the legal consequences, and despite the fact that anti-abortion crusaders like Storer called upon the cult of true womanhood to guilt and vilify women who chose to have abortions for any reason they deemed suitable. “Women were condemned for following ‘fashion’ and for avoiding the self-sacrifice expected of mothers,” Reagan writes, and she goes on to quote Storer once more: “The true wife’ . . . did not seek ‘undue power in public life, . . . undue control in domestic affairs, . . . [or] privileges not her own’” (Reagan 11). Anti-abortionists lacked the fundamental understanding of the right to

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<sup>3</sup> The 1873 Comstock Law regarding the dissemination of contraceptive materials or information would later be reversed in 1936 decision *United States v. One Package of Japanese Pessaries* in which Margaret Sanger played a significant role.



choice, as is echoed in Storer's citation of "privileges" that do not extend to abortion. In this sense, we can see, for example, how *Where Are My Children?*'s Edith Walton and her cohort were vilified and used as anti-examples of proper womanly conduct (in a very classed and racialized way, no less) because of their decisions to have abortions, discuss these decisions amongst themselves, and keep these decisions from their husbands.

The second period in recent abortion history, the 1930s, is critical because "abortion became more available and changed location. As the practice moved from private offices and homes to hospitals and clinics, abortion was consolidated in medical hands and became more visible. The changes wrought by the Depression accelerated the pace of change in the coming decades, particularly in the methods of enforcing the criminal abortion laws." (Reagan 15).<sup>4</sup> This comes into play heavily for films like *Guilty Parents* and *Gambling With Souls*, which I examine in my third chapter. While we do not see any of the female characters actively seeking out or undergoing an abortion, we do see hospitals begin to appear in the mise-en-scene: Helen in *Guilty Parents* is shown leaving baby clothes behind after a stay in what appears to be a hospital; Helen's friend, Betty, is given some kind of anesthesia prior to her abortion, suggesting a clinical setting; Carolyn, Mae's younger sister in *Gambling With Souls*, is brought to a hospital for care after a botched abortion.<sup>5</sup> The enforcement of abortion as a criminal law is a central issue of *Race Suicide* and *Unborn Souls*. And yet, despite containing some elements that reflect the real

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<sup>4</sup> Period 3 extends from 1940-1973 when, respectively, "the new methods of controlling abortion were first instituted" and then later undone by *Roe v. Wade* (Reagan 15). The fourth period examines 1973 to the present.

<sup>5</sup> Although not dealing specifically with abortion, much of the action in the latter half of *Tomorrow's Children* (1934) takes place in a hospital, and the film was censored originally for its graphic surgical scenes. A film that I will look at in Chapter 4, *Men in White* (1934), takes place almost exclusively in a hospital, and Barbara, a nurse there, undergoes an unsuccessful operation after her botched abortion.

climate of abortion in America during the 1930s, the films in my third chapter are far from scientifically educational. With the exception of the opening intertitles of a few of the films, these films are more sensational than awareness-raising; on occasion, the intertitles do more to fuel this sensationalism than to make a morally educational point.

Allow me to clarify that Reagan's study is, methodologically, an investigation into the legal and health histories of abortion in America. Any references that she makes to popular culture or media are, generally, general, and she does not specifically address film or filmic representations of abortion in any way. What I want to do, then, is overlay the history of abortion that she has traced upon representations of abortion in contemporaneous film so as to observe the extent to which this history is accurately—or, more to the point, inaccurately—reflected in film. It is the inaccuracy of representation that moves these abortion films firmly in the direction of entertainment; heavily emphasizes the sense of moral ambiguity and conflict inherent in these films; and, over time, illustrates the shift from choice to non-choice with respect to reproductive agency. The conflict I speak of is not internal character conflict, but rather the conflict between prescribed and popular morals.

That being said, the first of Reagan's points that I wish to expand upon with regard to filmic representation has to do with clarifying some facts about who was having abortions, how, and under what circumstances; the second has to do with the ambiguity of moral conflict. Although, in the interest of space, I will refrain from citing Reagan's specific examples that illustrate these various facts, I would like to highlight a few of the most salient facts about abortion in the early decades of the twentieth century in America, particularly as they relate to filmic representations. The first has to do simply with availability: "Abortion was *widely available* throughout much of the era when abortion was a crime" (Reagan 14, emphasis mine). This is not to suggest that

abortion was widely advertised or impossibly easy to come by, but as an 1888 exposé in the *Chicago Times* demonstrated, even if a woman's regular physician did not practice abortion, the chances were good that he knew someone who did and would recommend the woman in need to a practicing abortionist.<sup>6</sup> From doctors to midwives, abortion care could be found<sup>7</sup> if one did some investigating. Talking with friends, family members, and even lovers or husbands was one way to find the proper channels: "Although women could have abortions without anyone knowing about it at the turn of the century, many...talked about their abortions and relied upon friends, relatives, or partners to help them carry out their abortion plans," which demonstrates the network of non-judgmental support that many women had available to them (Reagan 21). The fact that boyfriends and lovers, and to a lesser extent husbands, were involved in helping a woman procure an abortion (often paying for it, accompanying her to the doctor, and seeing that she had proper care afterwards) contradicts the prevalent stereotypes that all women who became pregnant out of wedlock were used and abandoned by the men in their lives. Not every woman had a male companion to aid her with her predicament, of course, and Reagan is sure to note that "[s]ome women were seduced and abandoned [and] some were raped"; however, not only is it true that "[m]ost of the women who had abortions in the early twentieth century were married and already mothers," but furthermore, "[m]ost women survived their abortions and never had to tell anyone unless they chose to" (Reagan 33, 37, 22).<sup>8</sup>

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<sup>6</sup> See the opening of Chapter 2 in Reagan's *When Abortion Was a Crime*.

<sup>7</sup> Abortions were, although available, costly, and they were most readily available in metropolitan centers. Thus, women who could not afford abortions and/or women isolated in rural areas did not have the same kind of access to abortion care and may instead have resorted to medications or other material means (hangers, knitting needs) in order to induce an abortion.

<sup>8</sup> Judith Walzer Leavitt suggests, according to Reagan, that "nineteenth- and early-twentieth-century middle-class women approached childbearing with foreboding," and that it was this fear

Despite the facts that proper medically-assisted abortions were not as taboo or as fatal as is commonly thought, were spoken about amongst a woman's trusted circle, were generally supported by those who knew about it, and were considered a woman's choice despite their illegality, representations of abortion in the media—newspaper articles, stories, films—portrayed anything but. “The publicly articulated and published discussion of abortion rarely included the voices or perspectives of women who had abortions, except to provide shocking examples of depraved womanhood,” and “...the image of the seduced and abandoned unmarried woman dominated turn-of-the-century newspapers and popular thinking” (Reagan 7-8, 23). One version of a contemporaneous feminist response assumed that if the *telos* of premarital sex is marriage, abortions therefore occurred because the men involved would not propose marriage to their pregnant lovers. Even a late-nineteenth/early-twentieth-century “[f]eminist interpretation of abortion did not admit the possibility of female sexual independence, only female victimization” (Reagan 32). And on the other end of the spectrum, these very women were vilified for carrying through with their abortions; Storer went so far as to compare abortion to prostitution.<sup>9</sup> With this comparison, we can see how crucial the vilification of women who chose abortion was even from the beginnings of the anti-abortion movement.

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of childbirth and its potentially fatal outcome that “drove married women to use contraceptives and abortion” (Reagan 38).

<sup>9</sup> Late-nineteenth and early twentieth-century women's rights advocates argued for husbands to stop sexually forcing themselves upon their wives and to give their wives ultimate say over their own bodies and childbearing in the spirit of voluntary motherhood; they also emphasized the moral superiority of chaste wives over their promiscuous husbands. In response, “[t]he campaign against abortion challenged this feminist analysis of men by condemning women for having abortions. Indeed, Storer compared abortion to prostitution and, in doing so, called into question all claims made by middle-class nineteenth century women on the basis of moral superiority. ‘There is little difference,’ he proclaimed, ‘between the immorality’ of the man who visited the prostitute and the woman who aborted” (Qtd. in Reagan 12).

Looking at the abortion films from the 1910s to the 1940s, then, we observe that they bear increasingly less of a resemblance to what the reality of abortion was at the time. As I mentioned earlier, there are occasional elements that fit with the historical reality: the presence of hospitals, the legal pressure to seek out and expose abortion practitioners, as well as the occasional married couple seeking abortion care or unmarried couple discussing their options. The majority of the details in these films, however, are not in keeping with any type of realistically historic version of contemporaneous abortion practice. We primarily encounter young, unmarried women seeking abortions, which we are led to believe are self-induced or performed by unsafe quack doctors interested in a quick profit and unconcerned with the well-being of their patients. Once pregnant, these women's lovers are neither helpful nor concerned. We do not see women discussing abortion options or care (as we did with Mrs. Walton and her friends). All of these women are victims in one or more ways. Those women who live through their abortions end up deprived to some extent and on trial for abortion-related murders that they indeed committed. Seemingly "good" doctors spend more time trying to save women from botched abortions than performing safe ones. In short, these films are hyperbolic and sensationalized. They take a shred of truth—the fact that abortions occurred despite their illegality—and present over-exaggerated worst-case scenarios. In the case of *Guilty Parents*, *Unborn Souls*, and *Race Suicide*, they ostensibly have some sort of educational purpose in addition to being entertainment, such as emphasizing the importance of sex education or serving the function of an exposé of the "bad" abortion racket. These purposes, although perhaps seemingly noble, are undermined, I would argue, by the fact that since very little about these films reflects realistic situations in which a young woman might find herself, there cannot be much educational worth in them. Their scientifically educational potential is negated by their

overblown salaciousness and sensationalism. Their morally education potential, however, is a different but related matter. The classical abortion melodramas, such as *Christopher Strong* and *Leave Her to Heaven*, transfer sensational storylines into sensational and violent spectacles without even the faintest glimmer of the educational about them.

The morally educational potential of these films is directly related to their moral ambiguity and the ambiguous nature of opinions regarding abortion; I will demonstrate how this ambiguity decreases from the 1910s to the 1940s. In order to consider this trajectory, Reagan's concept of popular v. prescribed morality—the second key point that I wish to highlight from her study—is foundational. I. As she writes, “[p]rescribed morality and popular morality may not be identical,” and according to her research into early twentieth century abortion practices, they were often not identical when it came to abortion (Reagan 6). In Reagan's terms, popular morality would be the moral beliefs on a given topic or subject—such as abortion—of people in reality. It reflects the views actually held by those affected by this topic, whether directly or indirectly. In this sense, popular morality might also be called practical morality, since it stands as evidence of the way people actually think. Prescribed morality, but contrast, is the way that some group of persons want people to think or want to make others believe is actually a popularly moral view. Another way to think of this is as a theoretical morality—the ideal view that, according to a specified group and for a specified purpose, people *would* and/or *should* have, although it is not the view that they necessarily *do* have. This is particularly important when considering the subject of abortion, for “[t]he evidence of people's behavior—the persistent use of abortion by women of all social groups, and the sympathy of many men and women for their doing so—suggests the existence of an alternative popular morality in conflict with the law” (Reagan 45).

Despite their dialectical relationship, this is not to say that popular and prescribed moralities cannot or do not coincide, but rather that they do not always already coincide, as is particularly the case with pre-*Roe* views regarding abortion in the United States. As Reagan points out, problems occur when the prescribed morality regarding an issue is not questioned but is instead blindly accepted in popular discourse as one in the same with the popular morality, as this could result in an erroneous understanding of the history of a topic, and this is precisely the argument she makes about abortion. “Analysis of women’s practices and ideas—popular behavior and belief—rather than exclusive focus on the statements of male theologians and philosophers,” she writes, “suggests that it is incorrect to conclude that hostility to abortion is ‘almost an absolute value in history.’ The reverse may be more accurate” (Reagan 6). I really like the distinction that she makes, as it clears room for considering other possible receptions of a topic such as abortion in conjunction with its representations. I also appreciate the questioning of the authorities who decide upon a prescribed morality and their motives for doing so: “Instead of assuming universal agreement on the immorality of abortion as expressed in the law and insisted upon by regular medical leaders, we might think of gradations in moral thinking or the existence of multiple moralities,” especially considering that “[a]bortion was part of life” and that “[t]he widespread acceptance of abortion, expressed in word and deed during the era of its illegality, suggests the persistence of a popular ethic that differed from that of the law and the official views of medicine and religion” (Reagan 22, 21). Furthermore, the argument that popular and prescribed moralities regarding abortion differed creates an interesting discrepancy. Why do these two moralities differ? What is at stake in this difference for filmic representations of abortion? What is at stake in considering “[t]he behavior and beliefs of ordinary people in daily life,” especially when the ideas being presented in the popular medium of film—a medium that is

a part of people's daily lives—run counter to what those “ordinary people” believe to be true (Reagan 22)?

### **Regulation and Interpretation**

While Reagan provides an historical and conceptual framework for this project in terms of reproductive rights history and discrepancies between popular v. prescribed morality, Annette Kuhn and Janet Staiger offer another salient historical framework as they address different types of approaches to film censorship. This frame can help us to parse out how images of contraception, abortion, and the reproductive female body come to signify negatively. The first approach to censorship, which Staiger refers to as “censorship as fetishistic or sadistic behavior,” is destructive censorship: either offending content is prohibited and removed, or it is left in but punished (Staiger13). The second type of censorship is Staiger's “eventualization/diagnosis” model, which she draws from the work of Annette Kuhn (Staiger 13).<sup>10</sup> Kuhn develops this approach from her understanding of the Foucauldian apparatus. As she observes, “[a]n apparatus, according to Foucault, is more than merely the sum total of a series of variegated components. Its most important characteristic is its *activity*, the interaction between its parts – its practices and processes. These interrelations are always fluid, always in a state of becoming, always ‘inscribed in a play of power’” (Kuhn 6). The dynamic nature of power that Foucault describes is crucial for Kuhn, who utilizes this construction to strip censorship of its seemingly unassailable position of power and place it on the same level as the film being censored.<sup>11</sup> Indeed, Francis Couvares'

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<sup>10</sup> Specifically, Staiger is working from Kuhn's *Cinema, Censorship and Sexuality, 1909-1925*.

<sup>11</sup> Kuhn identifies four main developments that issue from the apparatus model of censorship. The first is that censorship now addresses “the conditions of operation and effectivity of film censorship,” meaning that the conditions that produce a given final film text are now part of that



historical inquiries into pre-code censorship support Kuhn's understanding of regulation. He argues that "the history of efforts to censor and regulate the movies is best read not as a simple tale of artistic freedom struggling against repressive moralism;" rather, censorship negotiations represent a "cultural struggle" on a number of different levels and fronts between groups, namely the Protestant and Catholic churches, who would continually strive to represent as homogeneous a non-homogeneous viewpoint and whose opinions about censorship and its role would change over time (Couvares 152, 131).

Within this model, the distinction between the text and context of a given film is elided; instead of censorship as an institution (context) dictating a film's content (text), the text and context share a dynamic relationship in which they inform one another. In this way, Kuhn refers to the former act as censorship, but to the latter as regulation; I find this to be a worthwhile distinction for this study in so far as it allows for a way of methodologically considering the text/context relationship not only between institution and film, but also within the films themselves. For example, under the rubric of regulation, we would consider not only the scene itself in the film, but also the censorship documents about that scene in the film. Additionally, we could work backwards from the film to the censor's reports in order to see the finished filmic product with relation to the reports and, thusly, how this interplay affects the way the Production Code is interpreted. This reveals a two-way street: while initial interpretations of the code affect

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text (6). Secondly, "the productive capacity of film censorship ... would require acknowledgment" (6). This indicates that censorship would have to be reconsidered as an element of film production with positive connotations. Thirdly, "the nature of the powers involved in film censorship would be reexamined," which opens a space for questioning and potentially reconfiguring the heretofore hegemonic (and patriarchal) nature of the censorship body (6). Lastly, "film texts would be rescued from their subordination and accorded a place... among the various practices that constitute film censorship" (6). With this, Kuhn posits that the text itself becomes equal to censorship institutions in terms of textual production.

what censors deem presentable or unpresentable in a given film, the final version of the film itself affects future interpretations of the Code.

However, Staiger and Kuhn, like Tom Gunning, also point to the potential of narrative to mitigate offending images or content (Staiger 14);<sup>12</sup> this practice is of particular interest with relation to contraception films. When a narrative film is censored, the offending material is not completely absent, as those doing the censoring might have us believe. Rather, the absence of that material becomes present in so far as it causes the viewers to imagine what they know to be missing. While the censored material is *materially* absent, it is not *imaginatively* absent. With this, we see a version of David Bordwell's theory of viewers forming and testing expectations as they view a film as a way of involving themselves in the viewing process. In *Narration in the Fiction Film*, Bordwell devotes a chapter to the discussion of the ways in which the viewer cognitively engages with and brings her prior experiences and knowledge to bear upon a given film in order to follow the story and understand the plot. He states that "[t]he viewer must take as a central cognitive goal the construction of a more or less intelligible story" (Bordwell, *Narration* 33). Here, the viewer is characterized as being cognitively engaged on at least two levels in so far as she must choose to want to construct the story, and then she must actually do so.

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<sup>12</sup> In his discussion of the narrator system in particular relation to the early films of D. W. Griffith, Tom Gunning describes these systems as able to allow, amongst other possibilities, the expression of "a range of moral judgments" (*Griffith* 27). A main impetus behind the shift to narrative integration and narrator systems is the desire to make cinematic images less potentially offensive by tempering them with a narrative frame. With an integrated narrative in place, the imagined viewer runs less of a risk of drawing the wrong ideas from a film—ideas that involve the emulation of crime, vice, or other wrongdoings. Since these actions or ideas are depicted within a narrative for the purpose of acting as a cautionary tale, and not as attractions, the viewer witnesses—the viewer must witness—the negative consequences of said act, and not only the "immoral" act itself.

When a viewer actively forms expectations for a film's causal development as the film unfolds, she is more likely to have a stake in the elision of key causal moments and become engaged in the process of imaginatively filling any causal gaps in order to continue following the narrative. However, in this scenario, any given viewer could now be following a somewhat different version of the same narrative, depending upon how the causal gaps were bridged. What are the stakes involved in removing portions of factual information from didactic social issue films? How does this affect the relationship between the didactic and the narrative? How does this complicate the earlier belief of censorship institutions that a narrative frame helps control audience reception?

As a means of beginning to address the aforementioned questions, which I will explore in various generic types of contraception films in greater depth, I find it helpful to think of Kuhn's separate characterizations of censorship and regulation as being capable of functioning simultaneously. I do not believe censorship and regulation to be mutually exclusive, but instead understand these seemingly antagonistic models as operative within a dialectical relationship not altogether different from, and in many ways analogous to, the relationship between narrative and sub-narrative, between entertainment and didacticism. Just as a new productive space for filmic representations of women's agency opens up when we consider the particular sub-category of Mary Ann Doane's woman's film that I identify as the contraception and/or abortion film, I also believe a productive space for exploring the possibilities of reproductive agency in narrative film opens up when censorship is considered as a negotiation and not as a mandate.

## **The Reproductive Woman's Film as Liberating Filmic Space**

The third methodological approach that undergirds my project is Laura Mulvey's and Mary Ann Doane's theoretical inquiries into the relationship between female erotic and reproductive agency. To call this relationship problematic would be a gross understatement, for negotiations between the two strike to the heart of discourses of censorship, reproductive rights, and representations of women in film. When I refer to women with erotic agency, I mean women who demonstrate control over their sex lives outside of the strictures of social mores: they decide whether to engage in sexual activity as well as the extent of their sexual activity based upon their personal needs and desires. By women with reproductive agency, I mean women who demonstrate control over their sex lives with specific regard to their reproductive options: they decide whether or not they desire children, and based upon that decision in a given context, they choose whether to remain abstinent, whether to employ a form of birth control, and, if pregnant, whether to terminate or continue with their pregnancies. These two types of agency may seem intimately related, and they are: if a woman is biologically mature, she has the capability for erotic agency; if she has erotic agency, then it follows that she must also have opinions about her reproductive life and thereby also has the capability for reproductive agency. I differentiate between these two categories, however, because such a differentiation is necessary to understanding the way that these two categories are artificially split within cinematic representations. Along this false dichotomy, films that exclude the topic of reproduction address a woman's erotic agency, whereas those that *do* include this topic address a woman's reproductive agency.

In order to complicate and better understand female agency, as well as how different types of female sexual agency might be constructed for and by women on and off of the screen (as

subjects, objects, those who are viewers, and those who are viewed), I wish to begin by addressing female spectatorship. While the focus of my project is not solely female film spectatorship, censors' perceived audience reaction to films is one of this project's concerns. Given that the films I address are women's films, the imagined audience with which censors are largely concerned is women.<sup>13</sup> Furthermore, at least a preliminary consideration of female audience is necessary for establishing a female gaze with relation to representations of reproductive women—especially considering the fraught beginning of female spectatorship and the cinema.<sup>14</sup>

Concern with spectatorship and spectacle—with those being looked at and those doing the looking—and their relationship to the sexual politics of representation has been a hallmark of feminist film criticism since its beginnings in the 1970s. Laura Mulvey famously identifies (although does not agree with) a strict masculinization of the gaze.<sup>15</sup> Through working from

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<sup>13</sup> This is not to suggest that there exists only one type of imagined audience for any given type of film; in fact, there are often several, and they might be audiences of interest for different reasons. For example, in the case of the woman's film, censors may be concerned with how a film might affect women (which is itself a broad category and necessarily contains many possible sub-categories), but they may also be concerned with how a film might be received by a religious or special interest group like the Catholic Church or the Women's Christian Temperance Union.

<sup>14</sup> Shelley Stamp notes in Chapter 1 of *Movie-Struck Girls* that, in effort to attract a more sophisticated, middle-class clientele, many movie houses began marketing to women. While largely successful, this ploy brought with it some unexpected problems by inadvertently creating a type of movie-going attitude amongst female viewers that “complicated exhibition space and accepted viewing practice just at the moment when cinemagoing began to receive broad-based appeal” (*Girls* 39).

<sup>15</sup> In “Visual Pleasure and Narrative Cinema,” Mulvey explains, “In a world ordered by sexual imbalance, sexual pleasure in looking has been split between the active/male and passive/female. The determining male gaze projects its phantasy [sic] on to the female figure which is styled accordingly. In their traditional exhibitionist role women are simultaneously looked at and displayed, with their appearance coded for strong visual and erotic impact so that they can be

psychoanalytic theory as a “political weapon,” Mulvey connects woman-as-desired-object and woman-as-threat, arguing that whether through voyeurism or narcissism, the female is eroticized and used to fuel male sexual desire and/or the male ego both within the storyworld of the film and from the point of view of the spectator (Mulvey 6). In Mulvey’s theoretical model, there is little to nothing that the female spectator can do to gain any sense of agency, and in fact, there seems to be no room for the female or feminine spectator at all. Rather, the woman is inherently the sexualized object of the male gaze, and her sexuality is her spectacle—or rather, her sexuality is spectacle for others within the system of Hollywood signification and desire.<sup>16</sup>

I agree with Mulvey in terms of the destructive power of masculinist viewing practices and the Hollywood narrative system’s perpetuation thereof; nevertheless, I do, however, believe there to be another way of approaching the issue of female agency on- and off-screen that is, frankly, less bleak than Mulvey’s diagnosis of women’s roles in and engagement with Hollywood cinema. One possible alternative is—without denying, of course, the validity of Mulvey’s concerns—to shift the emphasis from the debilitating male gaze to the film’s apparent/assumed audience as well as its content and form. The woman’s film provides a prime example of how there is indeed a space for women to demonstrate agency within the structure of

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said to connote *to-be-looked-at-ness*. Woman displayed as sexual object is the leit-motif of erotic spectacle... she holds the look, plays to and signifies male desire” (Mulvey 11).

<sup>16</sup> Mulvey’s indictment pertains specifically to the classical Hollywood narrative film form, to “illusionistic narrative film” (17). Mulvey claims that this system is sustained and defined by privileging the film as a freestanding and contained entity, rendering the creation of the film invisible, and downplaying the role of the audience in the viewing of the film; this, in turn, perpetuates the objectification of women. In order to move beyond this system of female objectification—a move that she acknowledges is happening in radical film—one must “free the look of the camera into its materiality in time and space and the look of the audience into dialectics, passionate detachment” (18).

the classical Hollywood narrative, and it is thusly the type of film that lends a productive frame to the examination of contraception and abortion films.

In *The Desire to Desire*, Mary Ann Doane takes up the question of women's agency with relation to woman as both spectator (although more so in the psychical sense, as she calls it, than in the sense of being a living, breathing member of an actual audience who is watching a film, although she does address the latter) and spectacle, and she does so in the particular context of what she terms the "woman's film." For Doane, there is agency to be had for the female viewer, at least theoretically, through the genre of the woman's film, which, "quite simply, attempts to engage female subjectivity" (*Desire* 34). More specifically, Doane defines this genre as consistent of "films [that] deal with a female protagonist and often appear to allow her significant access to point of view structures and the enunciative level of the filmic discourse" (*Desire* 3). She adds that these films "treat problems defined as 'female' (problems revolving around domestic life, the family, children, self-sacrifice, and the relationship between women and production v. that between women and reproduction), and, most crucially, are directed toward a female audience" (Doane, *Desire* 3).

Although these content-related characteristics set the woman's film apart in theme and subject, Doane acknowledges that in many formal ways, the Hollywood woman's film is no different from any other standard Hollywood film. However, although she clearly states that female gendered seeing need not always be the case with regards to the woman's film, it remains that female gendered seeing *is* problematic within her subject-object dialectic,<sup>17</sup> and "the

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<sup>17</sup> In *The Desire to Desire*, Doane posits simultaneously that "[t]he cinema in general, outside the genre of the woman's picture, constructs its spectator as the generic 'he' of language. The masculine norm is purportedly asexual while sexually defined seeing is relegated to the woman. Access to the gaze is thus very carefully regulated through the specification of generic boundaries," and yet "[t]he female spectator (the spectator singled out and defined entirely by

sustained attempt to incorporate female subjectivity *for* a female subject-spectator introduces perturbations and discrepancies which are frequently not quite successfully contained by the narrative process” (34). In this way, Doane’s and Mulvey’s opinions align in so far that the classical narrative form is not suitable for a fair, non-objectified representation of women (and their agency and desire). Yet, instead of suggesting, as does Mulvey, that we completely abandon that form for a space beyond the scope of the masculine gaze in order to theorize productively about female spectatorship, Doane works within the classical structure. In so doing, she demonstrates how the very structure that arguably disallows female agency and desire can also be a problematically productive form for exploring how and where these types of agency and desire attempts to eke out an existence: “. . .because the woman’s film insistently and sometimes obsessively attempts to trace the contours of female subjectivity and desire within the traditional forms and conventions of Hollywood narrative—forms which cannot sustain such an exploration—certain contradictions within patriarchal ideology become more apparent. This makes the films particularly valuable for a feminist analysis of the way in which the ‘woman’s story’ is told” (Doane, *Desire* 13). And this is precisely the kind of work that I believe has cleared a theoretical space for analyzing the early twentieth century contraception and abortion films that I take up.

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her sex) exists nowhere but as an effect of discourse, the focal point of an address” (Doane, *Desire* 3, 9). These ideas may seem contradictory at first: how is it possible for a woman to at once be sexually defined as female in terms of her spectatorship—as one who possesses a (gendered) gaze and who, one might argue, also has an interiority and a physicality connected to that gaze—but to also exist as an image, to exist only as a constructed entity or idea, to exist as the sexual Other who would or could not exist without the masculine (and/or without whom the masculine would or could not exist)? Doane suggests here that the female spectator exists in a type of dialectic: she is at once subject and object, viewer and viewed, inherently sexually marked yet also sexually constructed through difference.



Although psychoanalysis primarily informs feminist film scholarship from the 1970s to the 1990s, there has been a turn in recent feminist film scholarship toward approaching films through their material histories and contexts. This is not to suggest that the theoretical baby has been thrown out with the bathwater, but rather that psychoanalytic readings of films by feminist scholars are frequently accompanied by attention to production files, censorship correspondences, pressbooks, and trade reviews, as well as other related sources that help to contextualize a given film, its reception, and its import within the field. Miriam Hansen's study of spectatorship and the public sphere stands as an example of this. Hansen describes how women came to be in the public sphere through spectating various forms of entertainment and how commodity culture further altered their public lives. Specifically, she contends that "[t]he cinema's role in changing the boundaries and possibilities of public life was perhaps most pivotal for women, across—though related to—distinctions of class, racial and ethnic background, marital status, and generation... More than any other entertainment form, the cinema opened up a space—a social space as well as a perceptual, experiential horizon—in women's lives" (Hansen 114, 117). Hansen's identification of the social and perceptual here is important, as it acknowledges firstly that access (to cinema) is fundamental for reclaiming the gaze and, thereby, agency; secondly, it opens up the possibility of a type of desire and subjectivity through cinema that is uniquely female (despite the fact that this desire and subjectivity becomes the target of consumerism).

Lea Jacobs' treatment of the fallen woman film in *The Wages of Sin* also exemplifies the turn away from psychoanalytic theory. She argues that "[t]he fallen woman film permits us to examine not only the operations of censorship under the studio system, but more specifically, the representation of sexual difference within this context" (xi). In this way, the fallen woman film

functions as a type of mirror for Hollywood itself, allowing the viewer to see the constructedness of misogynist, classist, and/or racist attitudes within films of this type. Jacobs contends that “[...] ‘failures’ on the part of industry censors provide interesting cases for feminist criticism, in that they indicate how films which seemingly observed the status quo could simultaneously call it into question” (xi). This will be an important concept to bear in mind, for as I will demonstrate in Chapter 1 through case studies of female character types, it takes on a whole new valence when considered in the context of implied reproductive capacity and threat, let alone in the context of an overt reproductive woman’s film. We can see here that Jacobs does not completely diverge from considering issues of spectatorship, but these issues become more grounded in the histories of specific films.

Given feminist film criticism’s roots in psychoanalysis, it perhaps does not come as much of a surprise that studies of the mother-figure in woman’s films extend therefrom and allow an inroad into scholarship treating the reproductive woman. Much attention has been paid (and still is paid) to the presence of female erotic sexuality and agency within interwar film, but the focus on the mother as a subject worthy of inquiry for its own sake can help us to better assemble a fuller picture of cinema’s version of female erotic and reproductive agency. E. Ann Kaplan attempts to restore the place of the mother as subject within the genre of melodrama for, as she explains, “[f]ew scholars had been interested in understanding her positioning or her social role from *inside* the mother’s discourse, in whatever context, of whatever type” (Kaplan, *Motherhood* 3)<sup>18</sup>; Lucy Fischer identifies a certain kind of “‘amnesia’ about the mother” in film, and “only

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<sup>18</sup> Kaplan clarifies that “[i]t was not then so much that the mother had not received attention as that she had mainly been studied from an Other’s point of view; or represented as an (unquestioned) patriarchally constructed social function” (Kaplan, Qtd. in *Motherhood* 3).

recently has serious attention been paid to motherhood” (Fischer 10).<sup>19</sup> Both Doane (in the context of the woman’s film) and Jacobs (in the context of the fallen woman film) identify a space for the maternal as well, but even identifying the *maternal* as such presupposes that, even if the pregnancy was unintended, the pregnant woman in question carried through with her pregnancy and gave birth to her child, which typically becomes the point at which the film’s conflict begins. As these scholars demonstrate, the reproductive woman absolutely has a place in interwar film, and these thought-provoking and necessary studies have done the critical work of granting an aspect of the reproductive—the maternal—the weight and importance that it deserves within American film history.

And yet, within these maternal narratives, I find vexing the amount of emphasis placed upon the traditional master narrative of pregnancy—something desired by a woman and man within the safe confines of marriage that typically results in a healthy, normative child—for there is still another version of the woman’s reproduction story that has yet to be heard much more fully. In addition to groundbreaking work on the maternal by Doane, Fischer, and Kaplan, scholars such as Martin Norden, Martin Pernick, and Shelley Stamp have contributed significantly to studies of early contraception and abortion films from a rich array of sociohistorical viewpoints.<sup>20</sup>

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<sup>19</sup> Fischer goes on to cite Maureen Turim’s observation that “early scholarship often ‘implicitly or explicitly attacked motherhood... as a by-product of the attack on marriage as an institution’” (Qtd. in Fischer 10). Her study of the maternal as represented in genres not typically associated with a feminine viewership aims “to ‘recall’ the importance of the maternal register within cinematic discourse” (31).

<sup>20</sup> See Martin Norden, *Cinema of Isolation*; Martin Pernick, *The Black Stork*; and Shelley Stamp, “Moral Coercion, or The National Board of Censorship Ponders the Vice Films.”

Somewhere between the erotic and the traditionally reproductive woman lies the focus of my inquiry: the non-traditional reproductive woman. As I have mentioned and will explore further, the representation of the pregnant body on screen entails its own problems with regard to visibility under the Production Code, but another perhaps larger (or at least more insidious) problem of visibility is that of women who choose contraception or abortion *over* pregnancy and motherhood. The lack of attention to nontraditional reproductive women has been detrimental, for ignoring those who do not desire or choose pregnancy and motherhood is tantamount to omitting a woman's right to reproductive choice and family planning. This oversight exacerbates the cultural divide between sex and reproduction and thus perpetuates the socially constructed taboos surrounding contraception and abortion.

And yet in spite of this oversight, the nontraditionally reproductive woman is still present in film. So, then, what exactly does Hollywood find so threatening about women who wish to engage sexually *and* avoid pregnancy? How does cinema deal with narratives of unwanted pregnancies, terminated fetuses, and the preventative measures undertaken by women in order to avoid pregnancy? What do we make of the influence and implications of representations that diverge from the traditional pregnancy narrative?

Working from Doane's definition of the woman's film and her understanding of how it participates in an economy of female desire, the films that I analyze in this project certainly fall under the classification of the woman's film, as they are intimately concerned with reproductive choices and those choices' relationships to the family and domestic life, or to the woman's lack thereof. What Doane's category of reproduction focuses on, however, is motherhood, and this category fails to account for reproductive choices that mean to avoid or circumvent motherhood, such as contraception and abortion. Through my treatment of Hollywood films dealing with

contraception and abortion, I aim to expand Doane's take on what the woman's film is, what problems it encounters, and what it is capable of accomplishing.

On the positive side, the woman's film, by treating issues pertaining to women such as reproductive agency, creates a space for the female spectator to be just that: a female spectator, and not an asexual or masculinized spectator. This is a crucial development. Firstly, it revises Mulvey's assertion that the only possible gaze within cinema is the masculine one. Secondly, it allows us to really consider women as an audience—both real and assumed—and to investigate what it means for a film to be marketed toward women and to examine women's issues; additionally, this will cause us to think more critically about the cinematic portrayal of those issues in relation to their historical realities.

Furthermore, the reproductive woman's film, through its engagement with reproductive agency, mainstreams subjects that are, frankly, still taboo in certain conservative social, political, and religious contexts for many women, as can be seen in contemporary Hollywood cinema, amongst other contexts.<sup>21</sup> As Doane and Mulvey aptly point out, however, the Hollywood narrative form and, I would add, the industry surrounding it can also obscure and obstruct reproductive woman's films that possess the potential to educate, to incite action, and/or to present a narrative of women's reproductive agency that opposes, or at least revises, traditional narratives about maternity and motherhood. This tension between Hollywood's proliferation of dominant cultural narratives and the realities of women's reproductive rights is of critical importance.

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<sup>21</sup> For a study of contemporary representations of pregnancy in the media, see Kelly Oliver's *Knock Me Up, Knock Me Down: Images of Pregnancy in Hollywood Films*. I will address Oliver's work further in my Coda.

## Chapter Descriptions

### Chapter 1

My first chapter addresses the following question: What do we need to know about filmic treatment of the *erotic* female body and its attendant problems in order to understand how and to what extent similar problems become mapped onto the *reproductive* female body? Using feminist psychoanalytic theories of film and philosophy, I establish a basis for the objectification of the eroticized woman that I use to discuss four female character types with erotic agency in representative films: the white slave in *Traffic in Souls* (1913), the vamp in *A Fool There Was* (1915), the flapper in *It* (1927), and the femme fatale in *The Maltese Falcon* (1941). Additionally, I consider the impact of significant developments in censorship history, particularly the Sims Act and the *Mutual v. Ohio* Supreme Court decision, upon these films and their female leads. I argue that the problems that arise from these types center around a fear of erotic female agency that reproductive agency only exacerbates.

### Chapter 2

Chapter two addresses the social problem contraception/abortion films of the late teens<sup>22</sup> with specific relation to contemporaneous eugenics discourse and the early birth control movement. These films clearly attempt to be objectively didactic in nature to a certain extent, and yet also contain causally driven eugenics-based narratives that render their messages more ambiguous. In terms of didacticism, I look at the complicated relationship between these films'

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<sup>22</sup> Chapter 2 narrative films include *Where Are My Children?* (Lois Weber, 1916), *Birth Control* (Margaret Sanger and Hannah M. Stone, 1917), *Birth Control, or the Law of Population* (1917), *The Black Stork* (Leopold and Theodore Wharton, 1917), and *The Hand That Rocks the Cradle* (Lois Weber, 1917). Science films include *Biology of Conception and Mechanism of Contraception* (Margaret Sanger, 1922), *Personal Hygiene for Boys* (1922) and *Personal Hygiene for Girls* (1922).

scientifically educational components and their eugenically-driven morally educational components; my analyses are based upon the films' structure, visual rhetoric, and engagement with eugenic theories. While the films in this chapter, particularly Lois Weber's *Where Are My Children?* (1916), contribute to the vilification of women who use their reproductive agency to choose contraception or abortion, they also push for reproductive rights, and their ambiguities foreground the importance of choice and the uniqueness of a given woman's situation.

### Chapter 3

Chapter three treats appropriations of the contraception/abortion film by the exploitation film.<sup>23</sup> Through the use of contradictory narratives, these films simultaneously claim to offer objectively educational information about sex education, pregnancy, and abortion while giving no such actual information and presenting salacious, hyperbolic narratives of illicit sex, gambling and prostitution rings, abortion, murder, and ruined lives. There are two types of these films: those that vilify the woman who has the abortion, and those that vilify the doctor who performs it. Abortion, while legitimately a crime in the 1930s, still cannot be explicitly dealt with in film, and so protagonists who choose abortion are criminalized and tried in other ways. However, as I argue, the implicit crime of which these women are guilty and for which they are punished—whether by prison or by death—is reproductive agency.

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<sup>23</sup> Chapter 3 films include *Guilty Parents* (Jack Townley, 1934), *Gambling With Souls* (Elmer Clifton, 1936), *Race Suicide* (S. Roy Luby, 1937), and *Unborn Souls* (Del Frazier, 1939). I will consider these as responses to Weber's *Where Are My Children?*.

## Chapter 4

The films in my fourth chapter leave the pretense of the objectively didactic behind altogether and engage the dialectical relationship that emerges from the apparent struggle between foregrounding subjective character psychology and foregrounding social issues.<sup>24</sup> This is done within the generic constraint of the melodrama, which targets a female film viewership. These films take the trappings of the reproduction film and repackage them in ways that mark a decided shift away from any message of reproductive empowerment seen in the 1910s. They also dial up the sensationalism of the exploitation films; yet, doing so within the confines of the Hays Code ends up producing moments of violent abortion spectacle that at once allow for protagonists with reproductive agency and discourage female viewers from exercising this kind of agency. These films variously demonstrate the phenomenon of the “invisible” pregnancy as well as a particularly visually violent approach to the depiction of abortion.

## Coda

The Coda that follows will discuss the 1952 *Joseph Burstyn, Inc. v. Wilson* Supreme Court decision that marked the decline of American film censorship by effectively reinstating cinema’s protection under the First Amendment. The case revolves around an outcry led by the Catholic Church for censorship of the Italian short film, *Il Miracolo*, directed by Roberto Rossellini, from 1948. The film treats the story of an Italian peasant woman who is ostracized after claiming that the man responsible for her pregnancy is St. Joseph himself; the Church considered this idea blasphemous. In my Coda, I will consider not only the importance of this legal case for censorship, but I will also address a.) the significance of the centrality of female

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<sup>24</sup> Chapter 4 films include *Christopher Strong* (Dorothy Arzner, 1933), *Men in White* (Richard Boleslawski, 1934), and *Leave Her to Heaven* (John M. Stahl, 1945).



reproduction to the film that precipitated this case, b.) the eventual dissolution of the Code in favor of the MPAA ratings system in 1968, and c.) the shifts in filmic representation of the reproductive that follow in the wake of *Burstyn v. Wilson*.

## CHAPTER 1

### **From Sexy to Pregnant: The Problem with Women's Erotic and Reproductive Agency**

Hollywood's treatment of reproductive female sexuality has much to do with representations of and strictures placed upon erotic female sexuality. Many of the problems, concerns, and negotiations that surround erotic filmic representations become mapped onto reproductive representations, such that any type of female sexual agency creates cause for concern amongst directors, producers, and censors, especially when filtered through concern over audience reception and imitation.

The aim of this chapter is to examine how Hollywood and its censorship bodies negotiated this paradox in terms of erotic sexual agency; such an examination provides a basis for understanding how this paradox functions in different types of films dealing with reproductive sexual agency. Some questions that I consider in this chapter include the following: Why do erotic female agency and reproductive female agency become so problematic in American film from the first half of the twentieth century? What are some of the ways in which these "problems" were negotiated in Hollywood, and to what ends? Given the stark causal and representational separation between sex and pregnancy, how is it that fears and anxieties on the parts of various social and religious groups—and therefore on the part of the Hays Office, Hollywood's censorship office as of 1930 and arbiter of the Productions (or Hays) Code—

pertaining to erotic female agency become mapped onto the reproductively sexual female body? What is at stake in this elision?

In order to begin addressing these questions, I turn first to theoretical discussions of the arbitrary separation of female erotic and reproductive agency in order to see how Hollywood takes hold of and perpetuates this false dichotomy. I then turn to a few classic desiring female types in early twentieth century film—the white slave, the vamp, the flapper, and the femme fatale—and the issues of representation, censorship, and potential reproductive agency that they raise. I read an exemplary film from category—*Traffic in Souls* (1913), *A Fool There Was* (1915), *It* (1927), and *The Maltese Falcon* (1941)—first in terms of their female leads' erotic agency, and next in terms of what that agency might mean if it were reproductive.

Using feminist psychoanalysis as a starting point, I will show how the erotic and desiring women in these films stand as threats to masculinity and patriarchal control. This angle may perhaps seem fairly standard or uncontroversial, but it becomes both amplified and complicated by the sense of cultural (masculine) fear attendant to and exacerbated by even the thought of these female characters as reproductive—especially when/because the reproductive is never really divorced from the erotic, despite Hollywood's attempts to effect such a blatant separation. By framing my discussion of key films with the idea of the woman's film and expanding upon Mary Ann Doane's definition thereof, I argue that the inclusion of greater reproductive options allows the woman's film to take on a significant political valence: it highlights the inclusion of reproductive choice in our understandings of erotic and reproductive female agency.

I begin by discussing filmic representations of erotic agency in order to demonstrate that the contraception and abortion films around which my succeeding chapters are organized function *like* films featuring erotically active women. Women in transitional and classical film

with erotic agency are represented in such a way that this agency becomes problematic and is often met with punishment of some kind; the same goes for women with reproductive agency. Historically, abortion and contraception films appear in the late teens, drop off in the 1920s, and reappear in the 1930s. While contraception and abortion, even at the beginning of their filmic representations, are certainly controversial topics, they are not *too* controversial for film—a fact to which those films specifically treating them attest. It's not that films featuring erotic women *can't* be about abortion or the reproductive because the subject is completely taboo;<sup>25</sup> rather, linking erotic agency with the reproductive agency is something that is just not done because, as I argue, it gives the female character an increased level of agency. Thus, the two are kept separate. In this way, I mean to trace in this chapter how female agency is undercut and diminished through its severance of sexuality from reproduction.

We typically find the erotic without the reproductive, as with the female types highlighted in this chapter; this, at least, is logically possible (although not without contraceptives, which the films in this chapter do not acknowledge). We cannot, however, logically have the reproductive without the erotic, although this connection is rarely shown or acknowledged in the film examined in this study. The fact that contraception and abortion films either try to erase the erotic from the reproductive equation (i.e. *Leave Her to Heaven*) or skip many steps between the erotic and the reproductive so that the two seem either unrelated or related in a uselessly oversimplified way (i.e. *Guilty Parents*, *Men in White*) is something that I want to establish here as issuing from these erotic female types' representations. Whether or not the characters I discuss here are using a form of contraception (such as a diaphragm) or are just

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<sup>25</sup> As I explore in Chapters 3 and 4, while abortion and contraception maintain a fraught relationship with the Production Code and censorship, they are not even completely taboo or unrepresentable even under the Code's strictures. Instead, they are representable, but in a highly nuanced and coded manner.

“lucky” to avoid pregnancy, my point is not that these films *are really about* reproduction, but rather that they easily *could be* but deliberately *are not*. This trend returns us to the false separation between the erotic and the reproductive that I wish to analyze, for Hollywood utilizes and perpetuates this separation in order to allow for the objectification and vilification of the woman’s erotic agency. This type of objectification and vilification lays the groundwork for having similar negative effects upon affect woman’s reproductive agency—effects that eventually make their way into codified form through censorship codes and stipulations.

### **The Sex/Pregnancy Divide**

At the heart of this tension is Hollywood’s impulse to separate female desire from sex from pregnancy. This split is not, however, something unique to Hollywood, but is also a topic of philosophical inquiry. Iris Marion Young addresses the relationship between sex and pregnancy (or, to employ my vocabulary, between the erotic and the reproductive) in her essay “Pregnant Embodiment: Subjectivity and Alienation,” wherein she argues that pregnancy is both inherently eroticized and culturally de-eroticized depending upon subject position. The subject position that Young privileges is that of the pregnant woman, which she describes as “decentered, split, or doubled in several ways. She experiences her body as herself and not herself. Its inner movements belong to another being, yet they are not other, because her body boundaries shift and because her bodily self-location is focused on her trunk in addition to her head,” and this split pregnant subject can be found “in the eroticism of pregnancy” (46, 47). In this way, Young identifies the coexistence of the erotic and the reproductive as a hallmark of pregnant subjectivity and the pregnant bodily experience. The erotic, as she explains, is an essential part of the reproductive: “The pregnant woman is often not looked upon as sexually active or desirable,

even though her own desires and sensitivity have increased [...] Though the pregnant woman may find herself desexualized by others, at the same time she may find herself with a heightened sense of her own sexuality” (Young 53). Through her choice to temper these statements with counter-claims, Young suggests although the pregnant or reproductive woman may (and often does) understand herself as also possessing an erotic sexuality, she typically is not seen this way by others. Thus, the split between sex and pregnancy, though a false dichotomy, is nonetheless a very real one to Young. She criticizes the tendency of modern Western culture to denigrate pregnancy based upon normative ideas of acceptable body image: “There was a time when the pregnant woman stood as a symbol of stately and sexual beauty. While pregnancy remains an object of fascination, our own culture harshly separates pregnancy from sexuality. The dominant culture defines feminine beauty as slim and shapely” (Young 53). She suggests here that within the dominant cultural paradigm, the pregnant body does not qualify as that which is either aesthetically pleasing nor, surprisingly, feminine; the pregnant woman occupies a type of no-man’s-land where she is considered more curiosity than woman, let alone woman with any kind of agency.

Yet in a recuperative move, Young also claims that there is perhaps something positive to be gained from the separation between the erotic and the reproductive. In so far that this separation allows the pregnant woman the opportunity to appreciate her own body (and subjectivity) and, ultimately, to gain social approval apart from cultural standards of beauty:

Perhaps the dominant culture’s desexualization of the pregnant body helps make possible such self-love when it happens. *The culture’s separation of pregnancy and sexuality can liberate her from the sexually objectifying gaze that alienates and instrumentalizes her when in her nonpregnant state.* The leer of sexual

objectification regards the woman in pieces, as the possible object of a man's desire and touch. In pregnancy the woman may experience some release from this alienating gaze. The look focusing on her belly is one not of desire, but of recognition. Some may be repelled by her...but the look that follows her in pregnancy...does not instrumentalize her with respect to another's desire. Indeed, in this society, which still often narrows women's possibilities to motherhood, the pregnant woman often finds herself looked at with approval. (Young 54, emphasis mine)

With phrases like "sexually objectifying gaze," "alienating gaze," "instrumentalize," and "another's desire," Young's description of female subjectivity within the sex/pregnancy divide takes on a distinctly cinematic tone reminiscent of Laura Mulvey's famous essay, "Visual Pleasure and Narrative Cinema." While I do not mean to suggest that Young deliberately draws upon feminist film criticism, it is worth pointing out a level of concurrence between their concerns suggestive of the reciprocal relationship between the objectified experience of women in both lived and culturally mediated contexts.

Despite Young's efforts to identify a non-judgmental (or at least less judgmental) space for women and recover the dignity of the pregnant subject through her identification of harmful social mores, I find it somewhat disturbing that she ultimately suggests that a woman can only find social and personal acceptance through pregnancy—and even then, acceptance is not universally guaranteed. This kind of acceptance barely seems even a consolation prize for the cultural split between the erotic and the reproductive. Furthermore, to me, the key idea here is that the social dismissal of a woman's eroticism through pregnancy allows her to avoid the sexual objectification that occurs implicitly, though not exclusively, because of and through men

(or at least a masculine gaze). This idea allows dominant masculine understandings of female sexuality to potentially govern how a woman experiences her own sexuality whether pregnant or not; additionally, it severely limits the possibilities of what that sexuality could mean in a given circumstance. If you're pregnant, you cannot be sexy, and if you're not pregnant, you must be sexy; there is no room for any alternative, especially if a non-pregnant woman wishes to avoid objectification. But to play devil's advocate for a moment, why are pregnant women excluded from the gaze—from sexuality, from erotic sexual agency—when, as Young mentioned earlier in her essay, the pregnant woman “may find herself with a heightened sense of her own sexuality”? (53). I suggest that this exclusion results from a perceived cultural need to separate sex from reproduction; once these entities are separated, they can be monitored, understood, and controlled more easily.

In this way, we can begin to see how the sex/pregnancy divide can play a crucially helpful role in Hollywood's *need* to maintain control over how women are represented on the big screen and how they intend these representations be interpreted by the audience. The arbitrary sex/pregnancy divide is especially crucial for Hollywood, since the male gaze makes any both erotically changed. Let us first examine how the gaze conflates the erotic and the reproductive. For example, if an image of pregnancy is on screen, then it is in a position to be looked at. In other words, because the reproductive is present, it must somehow be dealt with. Since that which can be viewed must still mediated through the gaze, it follows that images of the reproductive female body are therefore mediated through the gaze. However, mediation only occurs through the gaze *because the pregnant body is present in the first place* and must be somehow acknowledged: the pregnant female body that is present on screen cannot escape the gaze. And as argue, acknowledging the inability of both reproductive bodies and erotic bodies to



escape the gaze leads to viewing the reproductive body *as erotic*—and this is a serious problem. Thus, so long as Hollywood can keep the erotic and the reproductive visually separated, then the two remain imaginatively separated as well.

Additionally, we observe that a version of Mary Ann Doane's subject-object dialectic issues from Julia Kristeva's description of differing attitudes taken toward the maternal body, which I find apt for their particularly visual qualities that further develop the connections between real and mediated objectification. Kristeva writes: "Leonardo Da Vinci and Giovanni Bellini seem to exemplify in the best fashion the opposition between these two attitudes. On the one hand, there is a tilting toward the body as fetish. On the other, a predominance of luminous, chromatic differences beyond and despite corporeal representation" (309). Even when treating reproductive representations of the female body, we arrive back at the idea of woman as both concrete entity and constructed idea, as fetishized and transcendent. The difference here, though, is that in the dialectic that Kristeva constructs, it is unclear whether or not the woman, in either state, can gaze back. Nonetheless, the unrepresentable woman evades fetishization in spite of—or perhaps because of—the manner in which she is mediated and visually represented.

What role, if any, then, does the reproductive have in relation to the erotic? Mulvey suggests none; Young locates a positive relationship, but only for the pregnant woman when understood through her own subjectivity; Kristeva posits the possibility of a reciprocal relationship between the two. Mulvey's only mention of reproductive sexuality occurs in terms of pointing out woman's role within the phallogentric psychoanalytic system: "the function of woman in forming the patriarchal unconscious is two-fold, she first symbolizes the castration threat by her real absence of a penis and second thereby raises her child into the symbolic. Once this has been achieved, her meaning in the process is at an end, it does not last into the world of

law and language except as a memory of maternal plenitude and memory of lack” (6-7). While the reproductive does have a place in the phallogentric system as a whole, it does not have a place for Mulvey within the Hollywood system of desire/ego signification, as this system is purely erotic and relies upon female spectacle. It is also worth noting here that according to Mulvey, the female figure’s lack of a penis eventually cannot be ignored, and she shifts in the perception of the male from erotic object to castration threat; at this point, she must either be possessed (“investigating the woman, demystifying her mystery”) or fetishized by the male (13). According to Kristeva’s logic, though, representations of the reproductive either cannot exist in film at all, or they become fetishized in ways similar to erotic representations. Significantly, this works at once to collapse the distance (and difference) between the erotic and reproductive in so far that erotic sexuality can lead to reproductive sexuality just as reproductive sexuality can also be erotic, but additionally, it illustrates how the reproductive can pose an added threat. Thus, not only does the representation of the reproductive—whether through pregnancy (maternal) or contraception or abortion (non-maternal)—pose a threat to normative fetishization and sexualized objectification, but as Mulvey suggests, also poses at least a theoretical threat to the male viewer’s very maleness.

I mention these critical and philosophical psychoanalytic theories about the woman/mother in order to illustrate the ways in which the phallogentric system can stand as a parallel to America’s—and Hollywood’s—sociohistorical reality during the interwar period. The trajectory of how woman is presented in film via psychoanalysis—woman as erotic object becomes woman as potential castrator, which leads to a need to subordinate/punish woman—demonstrates how the reproductively sexual does not—or can not—really fit within the Hollywood system of representation. Yet, it also underscores Hollywood’s need to treat

reproductive sexuality as erotic sexuality (although not necessarily while conflating the two).<sup>26</sup>

Neither Kristeva nor Young offer a neat solution to the erotic/reproductive split, but they do acknowledge and productively complicate this issue. Hollywood's separation of the female erotic and reproductive ties directly back into film and censorship strictures that I will discuss later in this chapter, as the dismissal of a pregnant woman's erotic sexuality is precisely how pregnancy (at least partially) makes its way into NBR-era (National Board of Review) and especially Code-era films. (As we shall see, the pregnant woman is not fully accepted, as, to borrow Young's phrase, "some may be repelled by her.") Additionally, while Young maintains that desexualization can be positive, I argue that in the context of the films that I discuss in this project, it is necessarily destructive, as it limits both the quality and quantity of agency that a female character may possess in the interest of limiting options for women both within the storyworlds of films and the real lives of female viewers. So too, of course, does oversexualization. In the films that follow, I analyze how, unlike pregnant characters in contraception/reproduction films, female characters with erotic agency are *oversexualized* in ways that highlight their perceived destructive nature—the same destructive nature that is later transferred to women with reproductive agency.

### **Problems with Erotic Agency: Female Types and Transitional Era Censorship**

In order to examine how the foundation upon which problems with reproductive agency and desire are based, let us turn to a few case examples of the most prominent erotically sexual

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<sup>26</sup> In this way, the abortion spectacle, for example, does not read as abortion; it reads as erotic spectacle—as female spectacle—and can thereby pass the Production Code's specification. Similarly, by not showing a pregnant body yet mentioning pregnancy, a film can evade the risk of collapsing the reproductive and the erotic while still using the two to promote a conservative, heteronormative agenda and/or punish she who does not conform to that agenda.

cinematic female types in the first half of the twentieth century. Specifically, I wish to trace the following trajectory of female types in order to connect the problems that erotic agency encounters with those encountered by reproductive agency: the white slavery film's eponymous protagonist of the 1910s, the vamp and flapper in the 1910s and 1920s, and film noir's femme fatale of the 1930s and 1940s. A cadre of works on women's erotic sexuality by Shelley Stamp, Linda Williams, Lea Jacobs, Mary Ann Doane, E. Ann Kaplan, and Janet Staiger<sup>27</sup> illustrate the degrees to which the white slave, vamp, flapper, and femme fatale gain—or perhaps more accurately, seize—their (erotic) agency, and the circumstances under which they ultimately lose it.

The characteristics of these desiring female types are well established and, as we shall see, they are distinct yet not completely dissimilar. And yet, just because they are classic character types, this does not mean that there are not new ways to understand their function within a film. Through examining a test case for each type, I will analyze the character in question as both erotic and reproductive, the latter of which alters the traditional perspective on the type. Furthermore, I wish to approach these erotic female figures through a typology of agency, for this spectrum will help illustrate the level of erotic agency (as it later corresponds to punishment) as well as points of overlap between each type. In this schema, the white slave would be at the bottom of the sexual agency spectrum. While, as in the case of Lorna from *Traffic in Souls*, her desire to be a New Woman motivates her choice to go out on unchaperoned dates, the choice to do so ultimately lands her in a brothel; at this point, any erotic sexual agency

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<sup>27</sup> See the following sampling: Shelley Stamp, *Movie-Struck Girls: Women and Motion Picture Culture after the Nickelodeon*; Linda Williams, *Screening Sex*; Lea Jacobs, *The Wages of Sin: Censorship and the Fallen Woman Film, 1928-1942*; Mary Ann Doane, *The Desire to Desire: The Woman's Film of the 1940s*; E. Ann Kaplan, ed., *Women in Film Noir*; Janet Staiger, *Bad Women: Regulating Sexuality in Early American Cinema*.

has vanished, as the white slave is *forced* to engage sexually with partners not of her choosing. The vamp, as Linda Williams notes, possesses a remarkable amount of erotic agency—in fact, it fairly consumes her—and she is variously punished for it.<sup>28</sup> Her erotic agency is strictly tied to her own disinterested pleasure: the vamp does not engage sexually for love, but for self-preservation and sport. The flapper moves away from the vamp’s treatment of sex as blood sport and, as Sara Ross points out, is able to do so through her embrace of the “comic masquerade” (409). The femme fatale is similar to the vamp in so far that erotic sexuality functions as a weapon or tool, but she differs insofar that her primary function is not (only) to seduce a man, but commonly to successfully perpetrate a crime and further her own personal and/or professional agenda(s). When her ability to charm and seduce no longer holds sway, however, her agency disappears.

Overall, loss of agency is frequently motivated by the fact that the women in question must be punished, assumedly (and ironically) for the crime of being women with agency. The punishment at times is simply loss of agency; at others, imprisonment; at still others, death. From these themes of punishment and loss of agency comes the connection to women’s reproductive sexuality, as the women who embrace their reproductive sexuality ultimately meet with very similar double standards, fates, and punishments. Through looking at examples of these types in the context of censorship history, I aim to identify a trajectory of cinematic representation that vilifies these types through intimately tying sexual agency to punishment. Additionally, these representations also make the relationship between erotic agency and punishment causal through the conservative move of mapping the perceived transgressions of these types onto their

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<sup>28</sup> See Linda Williams’ treatment of Greta Garbo in *Flesh and the Devil* in Chapter 1 of *Screening Sex*, wherein she emphasizes the importance of Garbo’s character drowning in the end for her alleged unapologetic sins (48).

reproductive counterparts. From this foundation, we will be better able to see not only how these issues of agency shift from sexy to pregnant, but also how the sexy and the pregnant become problematically distanced, separated or divorced from each other completely.

### **The White Slave and Film's Changing Legal Limitations**

The white slavery film, a type of social issue film, gained popularity in the early 1910s as a means of raising public awareness regarding the problem of forced prostitution and white slave trafficking that plagued young women. Directed by George Loane Tucker in 1913, *Traffic in Souls* is one of the first and most prominent of the white slavery films. *Traffic in Souls* is a fictional rendering of the white slave, but its well-known counterpart, Frank Beal's *The Inside of the White Slave Traffic* (1913), is based on a study commissioned by John D. Rockefeller, Jr. that was designed to gather information about its titular subject. *Inside* purports its educational value as an exposé: it opens with several intertitles that mean to establish its basis upon research and sociological inquiry, as well as to build its credibility by listing endorsements from prominent figures such as author Charlotte Perkins Gilman, philanthropist Mrs. William K. Vanderbilt, and several judges. Another intertitle establishes the film as a "pictorial report...without any exaggeration or fictional indulgence," even going so far as to supply the viewer with charts defining white slave traffickers' vocabulary. Yet despite its documentary footage, the film was eventually condemned by censors because, as Shelley Stamp suggests, it came to be considered among the category of "'indecent pictures," which simply exploited the phenomenon [of white slavery] for the purposes of titillation" ("Moral Coercion" 55). Yet the line between decent and indecent is perhaps difficult to navigate, given the dire and sordid situation of the white slave.

Oliver Edward Janney of the National Vigilance Committee describes the white slave's plight in 1911 as follows:

The human chattels of these traffickers are practically slaves, for the girls and women who are lured, deceived through affection, or in some instances forced into prostitution, are held in bondage through subtle but compelling means. Whether the victim is confined behind closed doors, or is allowed to go out under close watch, or kept in submission by fear of personal violence, she is, under any of these conditions, *a slave*—one forced to do her master's bidding and obliged to give him the money she receives. (15, emphasis original)

While representation of the processes of entrapment and enslavement vary in the two films, they both treat some version of Janney's description, which underscores the lack of both real and perceived agency felt by women affected by the white slave trade.

In addition to the historical context of the white slave, one must also consider the context of the New Woman in *Traffic in Souls*, as this provides key background information as well as a connection to white slave trafficking within the film. In the 1910s, women were entering the workforce and taking jobs as factory workers, shopgirls, secretaries, and teachers because these jobs "allowed more free time and autonomy" than did domestic work, and such positions were especially sought after by "the young, unmarried, and American-born" (Peiss 40-41). As a result, younger and unmarried women in the workforce discovered a world beyond the strictures of domesticity: they went out in mixed company and on dates, they engaged with popular culture (such as film), they discussed their adventures and their relationships, and older or married women "shared their acquired wisdom about negotiating the attentions of men, both on the job and in their leisure time" (Peiss 50).

It is within this changing social milieu that we meet *Traffic in Souls*'s protagonists, the Barton sisters. The first and elder sister is Mary Barton, who, in her deceased mother's absence, runs the family's household, cares for her aging invalid father, and works as a store clerk to support her family financially. Mary has a sweetheart, Officer Burke (who is, appropriately, on the local police force and occupies a place of civic and legal patriarchal authority), but due to Mary's sexual and social conservatism, her family supervises her relationship with Burke, and the couple only shows affection in the most chaste and appropriate of ways. Mary's younger sister, Lorna (sometimes referred to as Little Sister), is the complete opposite: she is headstrong, irresponsible (often arriving late for work), and avidly desires to participate in the leisure and dating culture espoused by the New Woman of the early twentieth century. These modern values and desires lead Lorna to accept a date from a young man: a date that she goes on unchaperoned—and that yields dangerously unexpected results. As it turns out, Lorna's suitor is a pimp who uses the ploy of a date to lure her away from protected social space, drug her, and kidnap her.

Lorna's desire for sexual autonomy ultimately lands her in the bedroom of a nearby brothel. In the first bedroom scene of *Traffic*, Lorna is manhandled and her suitor-cum-pimp violently removes her suit jacket. While the removal of an outer layer of clothing might seem mundane by contemporary standards, this action is highly suggestive for contemporaneous viewers and reads as an act of sexual aggression against a defenseless woman. Lorna is visibly upset by this act, and as the pimp and house matron exit, they lock Lorna in the erotically charged space of the bedroom to contemplate her fate as a prostitute. The date that began for Lorna as a means of asserting control over her public sexual agency ends abruptly in a devastating loss of control.



This scene, however, is cross-cut with a scene occurring simultaneously in a separate but nearby location. Mary, distraught over her missing sister, is staged similarly to Lorna, although within the socially appropriate and non-threatening space of her family's home: both women are posed alone and crying in their respective bedroom spaces (Lorna for her rescue from the brothel, Mary for Lorna's safe return). The simultaneity of these two similarly composed shots made possible by the cross-cut illustrates the ideology and morality of early cinematic representations of female sexuality: according to Stamp, these cross-cut shots do the work of "simultaneously censoring and amplifying sexual connotations manifest in the brothel images, returning Little Sister's eroticized posture to that of piety and repositioning the bedroom in a domestic setting" (Stamp, *Movie-Struck* 74).<sup>29</sup> Stamp is right to point out that the cross-cut from Lorna sobbing in the brothel to Mary sobbing on her bed at the Barton home works, on the one hand, to connect the two scenes temporally and to subdue the erotic overtones of Lorna's predicament by domesticating it. On the other hand, however, this erotic/domestic economy could also work in the opposite direction and do more than censor or enhance the "sexual connotations manifest in the brothel images"; indeed, it can eroticize the domestic. Stamp focuses on using Mary's situation as a lens through which we can read Lorna's predicament, and this crucial reading provides insight into the film's moral code: she argues that through this mapping, "...the narrative suggests the normative morality accorded [Mary's] position" (*Movie-Struck* 75). I agree with this interpretation, but I wish to also consider its inverse. By contrast, if

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<sup>29</sup> On the subject of *Traffic*'s form as a transitional-era film, see Ben Brewster's study, "*Traffic in Souls* (1913): An experiment in feature-length narrative construction," wherein he argues that "feature cinema in the teens is not a simple outgrowth from one-reel cinema," and that *Traffic* provides an interesting case study of the transitional-era film not simply because it is a feature, but rather because of how it "cobble[s] together available devices from one-reel cinema and elsewhere to construct something qualitatively new" (Brewster 226, 236).

we read Mary through the lens of Lorna's predicament, then Mary's safe and chaste bedroom space becomes connected to and threatened by the vice of the outside world. To take this reading even further, I would also suggest that Mary's bedroom, like Lorna's, has become a prison, too: instead of being imprisoned by the specter of forced sexual servitude, however, Mary is imprisoned by her own chastity and by dominant social mores. In this way, the film offers a critique of arbitrary double standards placed upon women's erotic agency. Yet, at the same time, this potentially subversive moment is steamrolled by the film's fears that even the chastely domestic woman is not safe from sexual corruption via sexual agency.<sup>30</sup>

From the cross-cut brothel/bedroom scene, we can see not only how erotic sexual agency becomes problematic, but also how even the censored image can and does still signify beyond its censored status. For example, Lorna may be in a brothel's boudoir, but the suit jacket is all of her clothing that is removed, and we never see her perform a sexual act—indeed, Officer Burke and Mary rescue her before the opportunity arises; and yet, even the vague suggestion of sexual activity is enough for the viewer to imagine the worst for Lorna (and possibly also for Mary—or for any woman). As Linda Williams suggests, sex—or the implication or threat thereof—is screened in two ways, as “screening” takes on two primary, contradictory meanings. On the one hand, to screen is to reveal or to show; on the other, it is to conceal: “Sex is an act and more or less of ‘it’ may be revealed but, as we shall see, it is not a stable truth that cameras and microphones either ‘catch’ or don’t catch. It is a constructed, mediated, performed act and every revelation is also a concealment that leaves something to the imagination” (L. Williams 2). Her emphasis on “leav[ing] something to the imagination” within the dialectic of concealment/revelation emphasizes the fact that the viewer's own attitude towards women's

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<sup>30</sup> For a full account of Stamp's reading of *Traffic in Souls* in the context of the white slavery film, see Chapter 2 of *Movie-Struck Girls*.

erotic sexuality can easily be mapped onto a given a film. As Janet Staiger notes, “[p]eople in 1911 realized that viewers mentally filled in gaps in stories and could do this for supposedly taboo scenes” (119). While this does free up potentially subversive space for the viewer’s own non-traditional sexual predilections and morals, it also makes the film vulnerable to subjection to a larger social master narrative: a narrative that is most consistently and prominently created and enforced by the censorship authorities, whether in the form of the National Board of Censorship or, from the 1930s to the 1960s, the Production Code.

Lorna makes her own decisions in *Traffic in Souls*, and she is arguably punished for them with kidnapping, with rough treatment, and nearly with forced sexual servitude. Staiger, however, takes an alternate approach to understanding the white slave and her erotic agency. She identifies two typical readings of the white slave: “innocent victim” and “woman gone astray” (Staiger 126). Regardless of how the woman in question ends up in a brothel, be it through naïveté or accident or rebellion, “...the woman could be saved; the difference was in how she was to be rehabilitated—whether she was to be merely freed from her house of bondage or reeducated to dominant social norms” (126). Ultimately, Staiger argues that in the context of *Traffic in Souls*, the problems women encounter with prostitution are precipitated by “naïveté or ignorance (rather than any socioeconomic need or, even worse, [her] sexual desire” (138); she uses Lorna as well as the country girl and the Swedish sisters as evidence of women who fell into danger for being too trusting or too vulnerable. Staiger insists that “[t]he film does not chastise women for entering the public streets or working in heterosocial situations. It *does* suggest that they must keep their wits about them. This position is quite within the norms being advocated for the New Woman in modern America: good women are *thinking* women” (138). First of all, the distinction Staiger makes between innocence and desire serves as a reminder of the separation

between desire, sex, and pregnancy; with it, she implies that while being a thinking woman is better than being a naïve one, being naïve is doubtless better than being desirous of sex. Within the storyworld, it is true that none of the women captured by the Madame's employees *want* to become prostitutes—for any reason—and that this is generally characteristic of white slave film. Just because these women are not led to prostitution by erotic sexual desire, however, does not mean that they do not feel said desire. Indeed, we know that Lorna does, for her erotic agency and desire are what lead her to her unchaperoned date in the first place.

Secondly, I agree that the film does not argue in totality against women in the public sphere, for Mary Barton works at the very same candy shop as her little sister and does not encounter the same type of issues. What I want to challenge here is the role of Lorna's agency. Whether or not there were warning signs that Lorna could or should have picked up on, she nonetheless *chose* to accept the offer of a date from a man she thought to be an honest suitor (but who turned out to be a kidnapper and pimp). While there may exist greater social anxiety surrounding women making ignorant choices than surrounding women making any choices at all, the fact remains that when erotic female agency functions outside of the social norm, it is a threat. "Woman and woman's sexuality were not taboo as topics but were a focal point for understanding a changing social order," yet that "changing social order" can be—and is—in this case and in the cases I consider subsequently, a cause for concern and thusly for censorship (Staiger 16). To this, I would add that at least in terms of the films I examine, the "changing social order" represented by their female leads is not necessarily a positive development—and it is certainly one to be monitored.

One key legal move affecting film and censorship is the passage of the Sims Act in 1912. The Sims Act, which results from controversy over African-American boxer Jack Johnson's

prizefight films, declares that the Johnson films are “commerce” and, according to Article 1, Section 8 of the United States Constitution, could be “subject[ed]...to interstate commerce regulation” (Grieverson, *Policing* 33). As Grieverson notes, one of the main consequences of this decision is that by figuring these films as commerce, cinema becomes conceptually and practically (although not yet explicitly) separated from First Amendment freedom of speech guarantees. Furthermore, the Sims Act raises new questions of government intervention in the film industry, as it is “seen by many as a significant step in the direction of increased governmental activism and control in relation to cinema” (Grieverson, *Policing* 135); increased government intervention was what the industry was hoping to avoid with the creation of the National Board of Review in 1908-09.

Also at stake in the creation of the Sims Act is the issue of audience emulation. Since the film of the 1910 world-title boxing match between African-American Jack Johnson and white Jim Jeffries depicted the actual fight, social reformers feared the influence that these images might have on children in particular. Cardinal Gibbons, Archbishop of Baltimore, expressed concern that, “...hundreds of children would see [films like this], and...[t]heir morals would not only be contaminated, but they would have the wrong ideal of a true hero,” with the heroic figure now “a man bespattered with blood and a swollen eye given him by another in a fistic encounter.” He continues that, “The boy would go and try to do likewise. This would be a sad state of affairs” (Qtd. in Grieverson, *Policing* 128-129). Archbishop Gibbons’ fear—and the fear of others like him—is this: fight films encourage children to fight.<sup>31</sup> I would push this assessment

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<sup>31</sup> In addition to the fear of audience members—especially children—getting the wrong ideas from the film, there is also, as Grieverson points out, an attendant fear that this film in particular challenges the perceived superiority of the white race. Susan Courtney explores the racial fear and anxiety attendant in the Johnson fight footage in Chapter 2 of *Hollywood Fantasies of Miscegenation*. While most scholarly accounts focus on the white regulation of black bodies, she

further by stating that, as non-fictional footage of a live event, these films run the risk of corrupting the morals of youths because they are not tempered by a narrative frame.<sup>32</sup>

And still, there is yet another significant aspect of the legal response to the Johnson fight footage that needs mentioning: its relation to the censorship of female bodies, and particularly to the white slave. There are two key components to this relationship. Firstly, as Grieveson argues in “Fighting Films: Race, morality, and the governing of cinema, 1912-1915”<sup>33</sup> with special attention to the Johnson footage, “A concern with disciplining the movement of a particular black body through social space, closely linked to the restoration of a moral social order, became enmeshed with the regulation of moving pictures” (“Fighting Films” 169). Black (violent) bodies were not the only bodies whose social and cinematic movement caused anxiety and trepidation.

Charles Musser’s research shows outcry against footage of the white-on-white boxing bout between Robert Fitzsimmons and James Corbett in March 1897, which Reverend Levi Gilbert, a

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posits that we must also consider that the film’s considerable white audience alongside the two-year gap between the fight and the Sims Act indicate that it “resonated with white viewers in a period where white male dominance was widely imagined to be at risk,” as these viewers “might take comfort in at least having their fears ‘vividly’ registered” (Courtney 60).

<sup>32</sup> Archbishop Gibbons is not the only person to vocalize anxiety about the effect of film on youths. This was also a topic of great concern for the Women’s Christian Temperance Union, whose pro-censorship opinions “had social power inasmuch as they represented a coherent synopsis of public fears concerning the ‘evils’ of film”; in addition to advocating for federal censorship laws, they also promoted educational films in move that Alison Parker calls “complimentary, not incompatible” (73, 74). To compound the debate, Robert Sklar suggests that concern for youths really functions as a more disingenuously polite mask for concerns about class: “Since the enemies of the movies could deal only indirectly or covertly with the issue of class conflict, they made their case on the ground of protecting the young” (124).

<sup>33</sup> Specifically, Greiveson is here interested in the specific censorship and distribution history of the Johnson fight films: “Taken together, the curious similarities in the events sketched here suggest that a policing of Johnson’s movements shifted to an equally intensive policing of the movement of pictures of Johnson fighting” (Grieveson, “Fighting Films” 170). Nonetheless, his analysis thereof provides a nice point of connection between these films and the reproduction-related films that I examine, particularly those pre-Code films that are the focus of Chapter 2.

Methodist minister from Cleveland, described as the following: “Such exhibitions promote criminality by feeding the bestial in man. They debauch the public ideal. Such men sell their bodies for merchandise as surely as the harlots of the street” (Qtd. in Musser 195).<sup>34</sup> Here, Rev. Gilbert equates (white) boxers to prostitutes—in addition, of course, to sharing his concerns about the film lowering the viewer’s morals and inspiring emulation. In so doing, he provides a bridge from violent white male bodies to violent black male bodies to, ultimately, female bodies—and in particular, to reproductive and/or socially progressive (and transgressive) female bodies. Take Lorna in *Traffic* for example: she has a job within the public sphere, she goes on unchaperoned dates, she makes her own decisions relative to her desire. To borrow Grieveson’s words in this context, we might identify the problem as Lorna’s display of too much “movement”; through Mary and Burke’s rescue of Lorna, the “moral social order” is reestablished.

Secondly, we must also consider as a point of connection the white slavery charges leveled against Johnson himself and his ultimate conviction in May 1913. Johnson, famous for his sexual relationships with white women, was accused of white slave trafficking for allegedly “abducting” one of his (white) lovers, (alleged prostitute and future wife) Lucille Cameron, and taking her across state lines, assumedly with the intention of engaging in sexual activity (Grieveson, “Fighting Films” 177). Johnson was tried under the 1910 Mann Act, also known as the White-Slave Traffic Act, which prohibited the “transport [of] any girl or woman in interstate or foreign commerce for the purposes of debauchery or any other immoral purposes” (176). Although Cameron refused to testify against Johnson and the charges were temporarily dropped,

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<sup>34</sup> With regard to the Corbett-Fitzsimmons fight, Miriam Hansen also points out that its display on film made it accessible to female audiences, with whom it was very popular, although “the film’s success with female audiences was more or less accidental” (2).

a former lover of Johnson's by the name of Belle Schreiber testified against him a month later, and her testimony helped bring about Johnson's conviction. Grieveson points out that "[t]he prosecution of Jack Johnson as a white slaver in 1912, a few months after the banning of his fight films from movement within the nation, crystallized concerns over race, sexual immorality, and nationalism that were important to Progressive reform in general and to the construction of the white slavery scare in particular" ("Fighting Films" 176). The racial politics at play in the Johnson case are no doubt disturbing. Johnson was vilified as a male aggressor—a *black* male aggressor—against white women at a time when eugenics-based fears of miscegenation were very real in America; in fact, "[m]iscegenation bills were introduced after Johnson's conviction in half of the twenty states that still permitted interracial marriage" (Grieveson, "Fighting Films" 178). In addition to Johnson's films' implications for the representation of female bodies in film, we can also see from this case how issues of protecting female bodies and preserving certain conservative ideas about (and ideals of) female bodies come to the fore. And given the Sims Act's concern with audience emulation, we can also see how those concerns bleed over into films featuring women who do not embody and promote normative morals and values despite—or perhaps because of—the fact that Johnson's fight films catalyze the Sims Act. Additionally, while the rhetoric of "commerce" in the Sims Act is not yet explicitly made equivalent to "entertainment," it nonetheless brings cinema one step closer to the decision ultimately handed down in *Mutual v. Ohio*.

Grieveson identifies these two legal moves—the Sims Act and *Mutual v. Ohio*—as together "situat[ing] cinema as beyond the constitutional guarantee of free speech as enshrined in



the First Amendment and in state constitutions” (*Policing* 33).<sup>35</sup> The 1915 *Mutual Film Corporation v. Ohio State Censorship Ordinance* decision rules that films are “entertainment”; they therefore are not covered under the First Amendment and may be censored on a state-by-state basis (Qtd. in Grieveson, *Policing* 33). Indeed, film “has the distinction of being the only medium of communication ever subjected to systematic legal prior-restraint in the history of the United States” (Jowett 21). In *Mutual v. Ohio*, as in the Sims Act, the basis for the ruling in favor of Ohio’s right to state censorship hinges upon the potentially socially corruptive power of film; Jowett emphasizes this concern over corruption when he notes that film’s “...danger was only increased by the enormous inherent attraction the medium held for the public, especially those classes that were more susceptible to outside influence” – for example, women (28). Despite *Mutual*’s arguments, which draw attention to the similarities between film and news media and assert the news media’s protection under the First Amendment, the Supreme Court ultimately decides that this protection does not extend to film. Justice Joseph McKenna rules that while film has the potential to be “useful, interesting, educational and moral,” it “may be used for evil, and against that possibility the statute was enacted” (Qtd. in Grieveson, *Policing* 200). According to Grieveson, “[t]he logic of the justices’ argument suggested that the ‘pretense to worthy purpose’ in film should be avoided, that cinema should be linked to fictional goals and nonpractical ends” (*Policing* 201); this relegation of film to the realm of the fictional and nonpractical all but demands a narrative frame. Again, we see that anxiety over projected worst-case scenario audience reactions propels preemptive decisions that generally limit cinema’s potential and specifically limit its potential to present progressively sexual women. The *Mutual v. Ohio*

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<sup>35</sup> Garth Jowett notes that the first court case dealing with motion pictures was the 1897 *People v. Doris*. In this case, “the presiding New York judge ruled that pantomime of a bride’s wedding night was ‘an outrage upon public decency,’” demonstrating how some form of censorship has been in play nearly since film’s first moments (21).

decision suggests that while cinema is inherently neither helpful nor harmful, just the possibility that it *could* be harmful warrants its relegation to the realm of “entertainment.”

This dismissal of film’s capacity as something “useful, interesting, educational and moral,” however, does not mean that the causally motivated narrative that has begun to gain a foothold has triumphed unequivocally; the relationship between film as entertaining narrative and as purveyor of information grows more complex the more both internal and external censorship institutions attempt to promote the cinema of narrative integration. And as contraception films from the late teens to the early fifties illustrate, narrative takes on a role as that which obscures or eliminates the scientifically didactic message. When we consider the development of the narrative/didacticism debate alongside the beginnings of censorship institutions in America, we can see how a need to monitor and/or disallow images generally considered prurient or immoral would arise. As a case in point, Stamp’s research shows that *Traffic* was approved by the National Board of Review without much hassle because “...its treatment of white slavery was already embedded within the kind of unequivocal moral language that the board sought, serving up a melodramatic plot of punishment and redemption in place of an unsparing exposé of urban vice” (“Moral Coercion” 44). The “unsparing exposé of urban vice—*The Inside of the White Slave Traffic* (1913)—did not fare so well, however, largely because National Board of Review committee members considered it “distinctly an illustration of the white slave traffic, thinly veiled as an attempt to educate the public” (Qtd. in Stamp, “Moral Coercion” 53). The problem with *Inside*, it seems, is not necessarily that it purportedly aims at education, but that there is not enough moralizing—or narrative. It is, perhaps, too educational, as “[t]he film’s incorporation of greater social critique and documentary footage

mitigated against the elementary moralizing that the Board of Censorship hoped to see in pictures of this sort” (Stamp, “Moral Coercion” 55).<sup>36</sup>

Given these two legal acts, we can see how the perception of film as negatively influential could—and does—exacerbate the threat that, to borrow Staiger’s phrase, “Bad Women” potentially pose: a threat that, I will show, continues to lead to greater strictures being placed upon how women with erotic *and* reproductive agency are represented. As Staiger points out, it is not simply that women in the public sphere or on the big screen were inherently a problem; the problem lies in what they promote and/or represent—or more to the point, what they are perceived as promoting and/or representing. She writes, “Images that disrupt the norms, the Bad Woman in these cases, display the boundaries and frazzled edges of current norms, and, thus, a Bad Woman sets an agenda for change. A Bad Woman does work in excess of her social importance, but she exists in order to provide a lesson in narrative about her alternative” (Staiger 116-117). The “lesson in narrative” is key here, both in terms of what types of lessons are permissible and what kinds of lessons film is capable of as it moves closer to adopting the paradigm of the classical Hollywood narrative. Grieveson notes that “[r]eformers, entrepreneurs, and filmmakers had, as we have seen, championed the educative cultural function of moving pictures...but now this stance and alliance was tested, for it was unclear whether—after the Sims Act—film could engage with ‘darker’ real-life ‘social problems’ in a way similar to that of other social discourse, such as the press” (*Policing* 153). In other words, how educational—how progressive—can film be when the National Board of Review, the federal government, and state

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<sup>36</sup> In relation to white slavery, the film also criticizes several other social structures: the broken legal system that works in favor of the slavers but punishes the women forced into the white slavery system; the “out of my house” rule, whereby parents refuse to take their daughters back under their roof after a pre-marital sexual encounter; the low wages of shop and factory work that force women back into white slavery after they have escaped it.

governments place limitations upon it in terms of what can be addressed? What will happen to the potential for representations of women to go against norms and mores once narrative dominates?

As I mentioned earlier, it is not that narrative film does not convey a message or have an agenda—it does. What I question, though, is what agendas come across and how they do so. “Conclusions were *consequences*, not merely of causality, but also of personal decisions,” as Staiger notes before going on to cite contemporaneous screenwriting manual author Epes Winthrop Sargent: ““Stories of murders, thefts, abduction and all crimes are not wanted *unless the moral is strong and rightly placed*”” (Qtd. in Staiger 119, emphasis mine). There must be a moral to the bad story—to the story of the Bad Woman—if it is to be told. Another way of reading this screenplay suggestion is this: if there is a story about a “Bad Woman,” she must be bad, and she must be punished, lest the film run the risk of falling into the category of the Jack Johnson boxing match footage. Not only must there be a story, but there must be a moral, and it must be the “right” moral, so to speak.

Now let us consider a hypothetical situation in *Traffic*. What if, instead of merely being threatened with forced sexual encounters, Lorna actually experienced such an encounter and became pregnant? By asking this question, I do not mean simply to play a game of “choose your own adventure” for Lorna. Rather, I wish to point out how easily erotic agency can lead to the necessity of confronting the reproductive. *Traffic* makes it very clear that it does not wish to engage with the reproductive, as Lorna and her situation would inevitably pose an even greater social problem that would arguably be much harder to solve. One option would be to completely vilify Lorna—in a marked, physical way—for her erotic desire and treated as an even more extreme cautionary tale. Otherwise, Lorna’s situation would become problematically ambiguous,

as it would force viewers to grapple with her reproductive choices and desires: Is Lorna that “bad” if she didn’t really want to have intercourse with her kidnapper-pimp or with a brothel patron? Should she be judged for carrying a fetus conceived, more or less, out of rape? Should abortion be permitted in Lorna’s case? These just a few of the questions and possibilities that *Traffic*’s avoidance of the reproductive disallows.

In this way, we can see how *Traffic in Souls* does not just tap into the Progressive social agenda by raising awareness regarding the white slave trade,<sup>37</sup> it sets the stage, so to speak, for the vilification of erotic female sexual agency. Lorna finds herself in an unsavory predicament in the first place because of her engagement with unchaperoned dating and treating culture. Lorna’s kidnapping propels the plot towards her eventual rescue from the vice syndicate by the police, thanks chiefly to Mary and Officer Burke. This move underscores the moral superiority of the traditional woman who does not display a desire for sexual agency, or at least not sexual agency outside of prescribed social mores; as Lorna is literally rescued by Mary and Burke, she is metaphorically rescued by the traditional heteronormative relationship. Even without going so far as having Lorna—or any of the other recently kidnapped girls—actually engage implicitly or explicitly in any sex acts, Lorna’s agency and choice to date—and thus her potential desire to engage thusly is vilified and undermined.

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<sup>37</sup> Christopher Diffie gives an engaging reading of *Traffic in Souls* as a text that illustrates Progressive Era debates on the public versus the private sphere in “Sex and the City: The White Slavery Scare and Social Governance in the Progressive Era.” He argues that “erotic danger helped revise the liberal dualism of public and private space,” for while it is commonly believed that the private sphere of the home needed to be protected from intrusion by outside social corruption and by government intrusion, *Traffic in Souls* shows us that corruption can come from within, and the wholesomely domestic can be preserved through outside intervention (412).

## The Vamp

In contrast to the woman whose desire for sexual autonomy lands her in the position of the white slave and who then has her erotic sexuality forced upon her, the vamp embraces not only her own sense of agency, but she also embraces and explicitly displays her erotic agency—sometimes for the fun of it, sometimes for a specific goal. Taking Frank Powell's *A Fool There Was* (1915) as my example, Theda Bara's character, The Vampire, is snubbed and insulted at the film's outset by Mrs. Kate Schuyler, a wealthy society woman, and thus uses her erotic agency to take revenge by seducing Mrs. Schuyler's husband and ruining her family. Ronald Genini differentiates between the modernist vamp and the Victorian vampire, pointing out that "the new vampire... was a very human, non-supernatural creature" (14).<sup>38</sup> He adds that "[s]exual conquest was still a prime factor of her vampirism...her perverse motive was mere destruction" (Genini 14). The new vampire, then, is presented as a physical and sexually dangerous woman: one who uses her erotic agency to prey upon male victims.<sup>39</sup>

A review from the New York Dramatic Mirror calls *A Fool There Was* "[b]old and relentless; it is filled with passion and tragedy...shot through by the lightning bolt of sex,"<sup>40</sup>: this seems a fitting way to frame the *Fool*, as the Vamp's sexuality certainly pervades it from start to finish (Qtd. in Golden 41). The Vampire (or more colloquially, the Vamp) is referred to by other characters, by newspaper reporters, and by intertitle narration variously as "the woman who did not care," "devil," "hellcat," "a certain notorious woman of the vampire species," "the notorious

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<sup>38</sup> The modernist vampire is based on Philip Burne-Jones' 1897 painting, *The Vampire*, and his cousin Rudyard Kipling's complementary poem of the same name which was included in the same exhibit as Burne-Jones' painting (Genini 13).

<sup>39</sup> According to Genini, "the psychic vampire was usually female while the Dracula-type vampire was usually male" (14).

woman,” and, quite simply, “*that* woman” (emphasis mine). Unlike the society women who are outfitted in stylish yet modest garments, the Vamp is frequently clad in elaborate headdresses and dark form-fitting dresses made of lace and patterned cloth. Her costume does more than merely enhance her figure (although it certainly does accomplish that aim); it also highlights the extravagance of her taste and, most importantly, it constantly reminds the viewer of her profession as, for lack of a better term, an independent prostitute for hire. The Vamp dresses so seductively *in order* to attract men and *because* she attracts men. In other words, once the Vamp latches onto “her victims,” as the film’s narration calls them, she takes vicarious control of their finances; while the men still believe themselves to be in control, the Vamp is really in charge of the checkbook. As such, she receives all of the European vacations, fine clothes, expensive evenings out, and decadent food and drink that she desires: “Fallen women might have fallen morally, but they might also have risen financially, carried to a higher monetary status through their alliance with their lover” (Staiger 147). Another consistent detail of the Vamp’s *mise-en-scene* is the presence of roses: she is first shown happily destroying a rose, she wears them on her clothing, she carries them with her, she drops their petals on a dying John Schuyler. The rose serves here as both a representation of her sexual openness as well as a means of foreshadowing her hidden danger.<sup>40</sup>

Moving from man to man and bleeding each dry—financially, morally, socially, and physically—is the Vamp’s profession, and she is both adept and successful at it. Of the vamp,

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<sup>40</sup> While playing with her mother and aunt, Schuyler’s young daughter picks up a rose from the feet of the Vampire. The girl hands it to her mother, who smells the flower, shakes her head no to indicate her disgust, and throws it out of the frame, for the threat of the Vamp’s brazen sexuality to her daughter is beyond Mrs. Schuyler’s capacity for tolerance. She performs all of these actions while standing between the Vamp and her daughter with her back to the Vamp. This is the slight that compels the Vamp to declare to the absent Mrs. Schuyler, “Some day you will regret that” and to begin to plot her revenge.

Staiger notes that "...for the gold digger to be perceived as the parasite, it required her to be calculating, intelligent, and willful rather than the object of a man's choice for elevation" (150). Again, we see here a very problematic type of agency, and within the film, John Schuyler is far from the first man the Vamp has seduced; others have gone mad, become destitute, or been incarcerated, and Schuyler's immediate predecessor commits suicide right in front of the Vamp. This scene and the one that precedes it serve as a good example of the Vamp's sexual agency. In the preceding scene, the Vamp lounges in her current lover's apartment in a revealing nightgown and learns from a newspaper article that John Schuyler sails for Great Britain the next day. She is packing her trunk for her voyage of vengeance when her lover, a young man named Parmalee, grows angry that she would "ruin" and then "discard" him. After kissing him and convincing him she was only bluffing, she rejoices over the fact that he's gone and accidentally left his wallet full of cash, which the Vamp happily appropriates as funding for her trip. A few scenes later, Parmalee has snuck aboard the ocean liner with gun in tow, ready to put an end to the Vamp. When he finds her on the ship's deck, however, she quickly turns his anger and murderous intent to frustration and self-loathing. With Parmalee's gun pointed at her chest, the Vamp merely smiles and succeeds in getting Parmalee to lower the gun by hitting it with a rose. When she leans in to Parmalee and utters her infamous, "Kiss me, my Fool!," he seems momentarily to buy into her ploy, but then regains his composure and lifts the gun to his own head. The next we see of Parmalee, he is lying dead on the deck with the Vamp nowhere to be seen, indicating that Parmalee has just committed suicide. As a crewman sops up Parmalee's blood with a rag, he informs Schuyler that "[o]nly a boy he was, Sir, and she standing there and laughing like a devil."



This succession of scenes encapsulates the erotic agency of the Vamp (both specifically and as representative of the type) in several key ways. Firstly, we know that in general her motive is self-preservation, but not in the way we would see depicted in a melodrama about a widow or other pitiable female type who has fallen upon hard times or has encountered a difficult situation. Self-preservation for the Vamp is more about maintaining a particularly moneyed and pampered existence. As she has no home of her own in the film, it is imperative that she be on the constant lookout for opportunities to move from one lover-benefactor to the next. In this sense, I disagree with Genini's characterization of the Vamp as "a wicked woman who ruins honorable men by seducing them with her primitive, almost magical sexuality, then destroys the helpless creatures as they grovel at her feet with passion," and not the least because he himself defines the modernist vampire as "non-supernatural" (21). True, the Vamp does use and discard men, but oversimplifying her motives does a disservice to the film's complexities and ambiguities, as I shall continue to discuss. Furthermore, I wish to call attention to adjectives like "wicked" and "primitive, almost magical," as they highlight how non-traditional erotic female agency becomes vilified (even by contemporary critics) even as it is simultaneously revered as an unknown entity.

Self-preservation is not the Vamp's only motive, however. Specifically in *A Fool There Was*, the Vamp is also motivated by the desire for revenge: the desire to, in an oddly poetic way that seems to largely disappear with the institution of the Production Code, defend her own honor after being denounced as a lesser and unfit woman through Kate Schuyler's cold dismissal. While seemingly randomly Machiavellian in her designs and actions, the Vamp, in the case of her affair with John Schuyler, is not only interested in self-preservation, but more so in teaching the judgmental and classed society that surrounds her a lesson about condemning women who

embrace their sexual autonomy in non-traditional, non-conservative (although not necessarily progressive) ways. In this way, the lesson that the Vamp wishes to convey—that she deserves to be treated with respect—is at odds with the lesson that other women are not to emulate her. Genini’s research shows that Fox, the film’s production company, emphasized that Bara’s character in the film was intended not to corrupt, but to point out the evilness of the Vamp as *not* worth emulating—a sentiment echoed by Columbia professor Victor Freeburg in 1917:

[He]...opined to Roberta Courtlandt of *Motion Picture* about Theda’s “potent influence for good.” “Most girls are good,” he asserted, “but good girls do not want to see other good girls on the screen. There’s no interest, no fascination, in that for them. This is another reason for Miss Bara’s success; she shows them something vastly different from the life they know. Few are either daring enough or desirous enough of leading a vampire existence, but through the medium of Theda Bara they can do her deeds and live her life. Their emotions are enriched by just that much. (Qtd. in Genini 57)

Here we see that the spin being put on audience reception and the anxiety of imitation by both Fox and Freeburg are not the same, but they aren’t completely unrelated, either. Fox suggests that the Vamp is *so* bad that no woman would (should?) *want* to be like her. Freeburg hypothesizes that for most women, vicariously being like Theda through their imaginations is sufficient. Fox claims that Bara’s character isn’t really harmful; Freeburg argues that she’s providing a service. Both overlook (or at least neglect to address) the possibility of women

actually wanting to be like the Vamp—maybe not to the extent of seducing men to death, but maybe to the extent of having some modicum of sexual freedom.<sup>41</sup>

Additionally, the Vamp also possesses a calm sense of power, confidence, and resourcefulness. When confronted by the gun-wielding Parmalee, the Vamp does not panic, despite the fact that there is a gun to her chest (suggesting that like the mythical Victorian vampire, she can die only from a pierced heart). She does not make a scene, even though the medium long shot of the couple reveals other travelers milling on the deck in the background who might have come to her aid. She does not beg for forgiveness or for her life in an effort to persuade Parmalee to drop the gun. Instead, she meets a fatal threat with a cool, dismissive smile and an assertion of her sexual agency—and she prevails. Literally knocking Parmalee’s phallic gun out of the frame with her rose demonstrates not just that the Vamp has sexual agency, but that this agency is powerful: more powerful than violence, more powerful than masculinity, more powerful than its negative connotations. In fact, fueled by the negative perception of erotic female sexual agency, the Vamp redirects masculine violence back upon itself. Even the fact that the Vamp appears in the center of the frame facing Parmalee, who stands to the left, shows how

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<sup>41</sup> It is worth pointing out that while Bara’s public persona was carefully cultivated to make her seem, in real life, like her on-screen vamp characters, this was merely a promotional ruse put up by production companies and Bara alike. In public, Bara would pull stunts like speaking with a European accent, giving a fake personal history, and dressing in opulent furs, all in order to cultivate a sense of mystery and the exotic—as she did for a press visit to Chicago in the middle of summer 1915. Yet according to Genini’s account of that interview, “the instant the last of the press was gone she had thrown off the stifling furs and thrown open the windows, yelling, ‘Gimme air!’” (Qtd. in Genini 17). Eve Golden also recounts moments of Bara’s discomfort with aspects of the vamp persona, such as the time she “nearly quit [*Fool*] when she discovered that one of her costumes was a one-piece bathing suit,” which was considered very risqué at the time (36). These conflicts between Bara’s private and public lives further complicate Freeburg’s comment about female viewers not wanting to see their own lives reflected back to them through “good girls on the screen”: Freeburg seems to suggest that Theda the Vamp is not a persona at all, but a real person. In so doing, Freeburg makes the mistake of conflating the character with the actor—although even Freeburg’s “mistake” may be a deliberate attempt to reinforce the constructed reality of Bara’s persona.

she physically dominates the space, poised but a step away from edging him out of the frame—and her life.

Yet perhaps what is most remarkable about this film is the ending. In the final scenes, Schuyler, who has fallen prey to the Vamp's sexual wiles and destroyed his career, his marriage, and his high social standing, lays dying on the floor of his city townhome. He has aged decades in a matter of months, reduced to a white-haired, trembling, crippled old man by what we are led to believe is the Vamp's destructive presence. With Schuyler supine and immobile before the fireplace, the Vamp enters the frame and, in a move that recalls her opening action, she happily drops rose petals onto Schuyler's near-corpse. The intertitle declares, "Some of him lived, but the most of him died," and we are left to assume that the Vamp returns to her newest wealthy lover, leaving Schuyler to finish dying, whether alone in his townhome or in the company of his estranged family.

And yet, shortly before this takes place, Kate pays a visit to Schuyler with their daughter in tow as a last ditch effort to win him back to his family. As father and daughter embrace downstairs, the Vamp watches from above for a moment and looks as though she might take pity upon the ailing man and his suffering family; however, her self-interest wins out as she swoops down the stairs and showily displays her affection for Schuyler in front of Kate and the little girl, thus sealing the fool's fate. The Vamp's appeal is that she is *not* Kate—she is the dangerously erotic to Kate's assuringly maternal. And yet, I would argue that there are traces of the maternal in the Vamp. In addition to her momentary softness at seeing Schuyler with his daughter, the Vamp, as we recall, also bends over and smiles at the Schuyler girl when she runs over to retrieve a rose that has fallen at the Vamp's feet early on in the film. The only lapses—though fleeting—in the Vamp's ruthlessness seem to be when Schuyler's daughter is involved. And yet,

were the Vamp to be portrayed as possessing any reproductive agency at all, she would only come off as more threatening instead of less. As Kate's quick and snobbish intervention in the rose scene between the Vamp and the Schuyler's daughter suggests, the Vamp's erotic agency has the capacity to corrupt, and the thought of her as a mother corrupting her own daughters combines the erotic with the reproductive—or, rather, does not sufficiently separate them—to potentially disastrous effects.

Thusly, the Vamp is made to read as purely erotic, and it seems at first as though the Vamp faces no negative repercussions for her actions. She is not punished for her sexual escapades. She is not arrested, nor jailed, nor left penniless and destitute. While there is certainly a moral anti-adultery lesson to be taken from this film in so far that Schuyler is most certainly punished for his dalliances (even though he is absolved somewhat through the moniker "Fool," indicating that his affair did not result from his active desire for extramarital sex but rather that he was tricked), I argue that there is another more interesting and more positive lesson to be taken as well: erotic female agency must be *acknowledged*. The film does not, however, suggest that this erotic agency must be *accepted*. In fact, it is society's blatant refusal to accept the Vamp—as manifested through the behavior of Kate Schuyler—that motivates the plot in the first place, and we could therefore argue that the Vamp's punishment of social ostracism comes at the beginning of the film instead of at the end. Additionally, any positive reading is tempered by the film's singular representation of unchecked erotic female agency as dangerous and destructive. Non-traditional female sexuality and erotic agency is acknowledged as a choice, albeit a choice that is nonetheless not accepted in mainstream American culture at the time and that does not really allow for female financial independence. At best, the Vamp is an outcast. At worst, she is

a cold-blooded murderer. In either event, she is labeled thusly for openly manifesting erotic agency and acting upon her personal and sexual desires.

### **The Flapper**

As a type, the flapper is not so far removed from the vamp: the flapper is commonly represented as a golddigger with a great deal of erotic agency who is interested primarily in fun, fashion, and flirtatiousness. Unlike the vamp, however, the flapper is imbued with a sense of sexual innocence that counters the mercenary-like ruthlessness of the vamp. As Sara Ross argues, this innocence results from the comic nature of the flapper and the situations in which she finds herself. Speaking specifically of Clara Bow and Colleen Moore, Ross coins the term “comic masquerade” to describe their flapper characters, positing that “[t]heir performances contributed to a successful blending of sexual and social rebellion with girl-next-door innocence in their films, a blend which served to deflect controversy and, in the process, helped to create a new screen type” (Ross 409).<sup>42</sup> Images from pressbooks for flapper films like *Flaming Youth*

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<sup>42</sup> Stanley Cavell identifies another type born out of comedy, albeit a genre and not a character: the comedy of remarriage in the 1930s, which focuses on a married couple divorcing and reconciling. He relates this genre more to the principles of Old Comedy than New “because of its emphasis on the heroine,” and he goes on to discuss in the Introduction how the comedy of remarriage “require[d] the creation of a new woman, or the new creation of a woman, something I describe as a new creation of a human” (*Pursuits* 1, 16). By this, he means that the genre reconsiders and reconfigures the “consciousness of woman” as something that accounts for the psychology of viewing women as well as the psychology of how women view themselves (17). To extrapolate a bit on the comedy portion of Cavell’s theory and replace pregnancy with remarriage, there are two films that come to mind from that are just beyond his temporal boundaries of 1934-41: Frank Borzage’s *Bad Girl* (1931) and Preston Sturges’ *The Miracle of Morgan’s Creek* (1944). *Bad Girl* focuses on Dorothy (Sally Eilers) and Eddie (James Dunn), a quick-witted couple who falls in love and marries in spite of themselves. As newlyweds, Dorothy becomes pregnant and considers abortion because she fears dying in childbirth—and because she feels that her husband resents feeling forced to use his savings for the child instead of for purchasing a radio store (which has been his dream). However, the loving and devoted Eddie competes in boxing matches on the side to earn money for a quality obstetrician for Dorothy.

(1923) and *Ella Cinders* (1926) support this claim: *Flaming Youth*'s pressbook features a variety of illustrated silhouettes ranging from Moore's flapper frolicking outdoors and chasing butterflies, to high-kicking a men's top hat while smoking a cigarette, to flicking her foot back while held in an embrace by a tuxedoed gentleman. (In these images, although not in all of the images, the female cartoon is clad in a gauzy gown that reveals her curvy figure beneath.) *Ella Cinders*' press materials repeat the gesture, as one sheet contains multiple images of Moore—although not silhouetted and therefore identifiable as Moore—that show her naïvely arriving in Hollywood, posing scantily clad in an exotic fringed costume, and kissing her beau. Even in these films' promotional materials, we observe the flapper as holistically naïve, flirtatious, scheming, silly, and erotically charged.

These press materials help to illustrate how, although comedy tempers the flapper's remarkable erotic agency, that same erotic agency nonetheless remains. Clarence G. Badger's film *It* (1927), starring Clara Bow, serves as a particularly apt test case for examining the Hollywood divide between the flapper's erotic and reproductive agency, as *It* actively engages a hypothetical reproductive scenario for the film's heroine, Betty Lou Spense (Clara Bow). With a tacit push against Mulvey, Marsha Orgeon claims that *It* "invites the gaze of its *female* spectator, largely to identify with the film's heroine and with her decidedly sexualized and empowered

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There are some other "Gift of the Maji"-like complications, the baby is born, Dorothy is fine, and everything works out in the end; despite these heady situations, the film is largely a comedy. *The Miracle of Morgan's Creek* features Trudy (Betty Hutton), a young woman who marries a soldier one night after becoming inebriated at a USO show. She doesn't remember which soldier she married, though, and this becomes a problem once she realizes she's pregnant. Although her community ostracizes her, Norval (Eddie Bracken), a local boy unfit for service, marries her; instantly, Trudy and her six sons are welcome to rejoin society under the protection of a legitimate marriage where the husband's identity is known (and, to boot, the weakling Army cast-off becomes "manly" thanks to fatherhood). Just as comedy allows the flapper to get away with erotic agency, comedy allows a bit more of the taboo into films treating reproductive agency as well.

modes of seeing and being. The film celebrates its female star's rebellion against traditional modes of passivity...In other words, It seems every bit as much made for the male gaze as for its often neglected female counterpart" (83, emphasis mine).<sup>43</sup> While I agree with Orgeron's empowered reading of the film, she considers *It* in terms of commodity culture, and I wish to explore the degree to which the film inspires emulation or to which her rebellion is championed when considered in the context of the reproductive.

*It* opens with an intertitle describing the "It" quality as popularized by novelist and screenwriter Elinor Glyn<sup>44</sup>: a "magnetic force" of attraction that enables its possessor to win the man/woman of her/his dreams. The "It" theme continues as we enter Waltham's department store, billed in an early shot with the subtitle "World's Largest Store," where heir-apparent Cyrus Waltham (Antonio Moreno) and his man-about-town friend "Monty" Montgomery (William Austin) discuss Glyn's latest article concerning "It" and its vital importance to one's love life. Shortly thereafter, we are introduced to Betty Lou Spense, the "It" girl herself: in a medium shot, Betty Lou, a shopgirl at Waltham's, holds a lingerie top up against her dress, modeling for prospective customers and smiling coyly to help make the sale. Orgeron reads a type of innocence into this scene through the looks shared between Betty Lou and the "respectable-looking" couple shopping at Waltham's: "As the man and woman smile and nod, the division Hansen notes between 'looking' and 'having' is blurred. Since both the department store consumer and the cinema spectator are expected to desire what they see, the scene appropriately figures consumption as both an economic exchange and a mode of ideologically sanctioned

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<sup>43</sup> Orgeron's article, "Making *It* in Hollywood: Clara Bow, Fandom, and Consumer Culture," focuses on the commodity culture surrounding Bow, from film to fan magazines; she argues that the two entities form a type of dialectic.

<sup>44</sup> Glyn not only co-wrote the screenplay for *It*, but she also makes a cameo appearance in the film.



pleasure” (84). In other words, the context of the shared gaze works to establish its naïveté. Overall, the film’s initial scenes do much to establish the tone of flirtatiousness and naïve sensuality suggested by the opening intertitle and subsequent close-up of a passage from Glyn’s most recent “It” article; they make it clear that Bow the flapper is not your typical big-city shopgirl, but a spritely and ambitious young woman plotting to win the heart of no less than Waltham himself.

Betty Lou’s cheerfulness and innocent mischievousness take on a new dimension about midway through the film, however, as she saves her roommate’s child from being taken to a state home by two representatives of the local child welfare service. Betty Lou’s roommate, Molly, is a single mother who, since the birth of her child, has been too ill to work. In an effort to help her financially strained friend, Betty has been cheerfully supporting Molly and the baby with her meager department store salary. One day when Betty Lou returns home to find the welfare representatives about to seize custody of Molly’s child, she picks up the baby, pushes Molly offscreen into a curtained area, and declares, “This is *my* baby! I’m the baby’s mother—I’m not sick—and I’ve got a job! Laugh *that* off!” The medium close up of Betty Lou and the baby reinforces the pair as a family unit—which is where Betty Lou’s romantic troubles begin. Betty Lou’s would-be suitor, Monty—who also happens to be Waltham’s right-hand man and close friend—stands just outside the apartment, overhearing everything. The welfare representatives assume the Monty is the child’s father, but Betty Lou’s and Monty’s denial of his paternity prompts them to inquire suspiciously, “Who is your husband? *Have* you a husband?” Betty Lou replies with a curt “None of your business!” and affirms her maternity to Monty by asserting the similarities between her and the baby’s appearance: “Are you blind? Can’t you see the resemblance?” (Betty Lou later redirects the family resemblance to Molly and the baby when

trying to prove to Monty that the child is *not* hers.) The tension in this serious situation is mitigated by the comic sincerity with which Betty Lou insists upon her maternity. Indeed, for the audience who is in on the ruse, even “None of your business!” takes on a darkly comic appeal. And yet, while the film never judges Molly for being a single mother (and while it never explains *why* she is a single mother), it also presents as ridiculous the very idea that someone like *Betty Lou* would be a single mother: the flapper simply cannot possess or display reproductive sexual agency. Although Betty Lou wins the battle against the women from child and family services, her burgeoning relationship with Waltham is thrown into question when Monty relays the misinformation about her so-called maternity.

*It's* romantic plotline follows Betty Lou's attempts to win the heart—and engagement ring—of Cyrus Waltham. Her plan seems to be progressing nicely until, of course, Waltham comes to believe that she has an illegitimate child. In this comedy of errors, however, Betty Lou is not aware that Waltham knows about her kindly maternity stunt—that is, until he makes her an indecent proposal after Betty Lou declares her love for him: “I'll buy you diamonds—clothes—everything you want--,” to which Betty Lou indignantly replies, “What are you trying to do? Offer me one of those left-handed arrangements?” Indeed, that is precisely what Waltham is trying to do. Someone of his class position surely cannot announce an engagement to a woman with a fatherless child—but he can take her as a mistress. Waltham tries to smooth over his proposition by pleading, “I'm crazy about you! Isn't that enough?,” but an insulted and enraged Betty Lou storms out of his office after retorting, “I suppose that's what you men call love!”; an intertitle informs us that “Betty was too poor to quit her job—and too proud to stay. So she quit!”

As a comedy, everything works out in the end for Betty Lou and Waltham. Although Betty Lou planned to entice Waltham into proposing to her just so that she could have the

satisfaction of rejecting him, she realizes after doing so that he really does love her and accepts his proposal. And with that little misunderstanding about the illegitimate baby cleared up, Betty Lou transforms from inappropriate choice of partner back into charming “It” girl. Although not addressed in the film, we can assume that with the lead couple reunited, the future Mrs. Cyrus Waltham now has the means to continue to care for Molly and her baby as long as is necessary. Even though Betty Lou’s maternity charade is ultimately reconciled, it nonetheless remains that *It* presents us with a remarkably explicit hypothetical reproductive situation. If the flapper’s erotic agency were to become reproductive agency, she wouldn’t be the flapper any longer; this we see in the case of Molly. Molly used to work at Waltham’s store with Betty before her pregnancy, and we can assume that the two roommates would both be categorized as flappers. After her pregnancy, however, Molly looks haggard and unkempt and her appearance is dull and sullen, partially on account of her unnamed illness, and partly, perhaps, because she can no longer lead the exhilarating, carefree life that Betty Lou still can and does lead. As I mentioned, we as the audience are in on the Betty Lou’s maternity joke—a joke in keeping with her character, a joke played to protect her friend. Because we are in on the joke, we can understand it as another of Betty Lou’s schemes, as another day in the life of a flapper. For those like Monty and Waltham who are not in on the joke, however, the essence of the flapper is destroyed by the possibility of the reproductive. Within the logic of the film, the flapper cannot be a mother—or at least cannot be an unwed mother.

In a move to differentiate Bow’s flapper films from Colleen Moore’s, Ross points to the scene in which Betty converts her work dress into an evening gown for a night on the town, positing that “[t]hough Betty Lou is clearly pretending to be something that she is not in these momentary poses, in the context of the entire sequence there is no great distinction between the

poses she adopts and the character's 'real' personality" (Ross 418). Ross contends that Betty Lou evinces a certain fluidity between the comic and the sincere, such that it becomes difficult to tell, for example, whether she really wants to be accepted by the Ritz's elites or whether it's all just a game of posturing. I would apply this idea to Betty Lou's maternity charade. We know that Betty Lou lies to protect Molly and her baby, but at the same time, she doesn't care that Monty, her neighbors, and the reporter poised in her doorway take her seriously. What we have, then, is a flapper who seems comfortable with being perceived as a mother, although "perceived" is the operative word here, for she is not *actually* a mother. Betty Lou's maternity posturing is not the same as her class posturing: while high-class airs are in keeping with the expectations of the flapper, motherhood is not. Thus, I would extend Ross' overall argument about the flapper in light of the reproductive: while erotic agency and sexuality is mitigated by humor for the flapper, reproductive agency and sexuality transgresses a boundary that even comedy cannot render acceptable.

### **The Femme Fatale**

Of the white slave, the vamp, and the femme fatale, the agency of the lattermost of these groups is arguably the most threatening to the masculinist status quo, for instead of wielding her erotic sexuality for its own sake, she wields it to a specific end that usually works to subvert male authority: her career advancement, her financial gain, and/or her criminalism. Contrasting the vamp with the femme fatale, Genini notes that "[t]he femme fatale...has no spooky quasi-supernatural exoticism. She is physical, not demonic; neurotic, not evil; and, unlike the vampire, she possess a conscience, albeit a suppressed one" (14). The femme fatale does not hold

traditional feminine values; she eschews domesticity, family, and motherhood for personal and sexual agency.<sup>45</sup>

We can understand how erotic female agency could pose a threat in most cinematic contexts, but this threat is especially pressing in the film noir considering its historical context and point of origin. From the American tradition of the roman noir that began in the 1920s and continued into the 1930s, noir directors in the 1940s and 1950s look to the likes of Dashiell Hammett, James M. Cain and Raymond Chandler for source material. To point to these giants of the roman noir, however, necessitates a look at their origins: the pulp magazines, such as *Dime Detective* and *Black Mask*, that began to appear in America in the early 1920s.<sup>46</sup> Many of the stories written for these magazines that later became films noir in the 1930s faced the problem of censorship, which either delayed their release until the 1940s or resulted in “the watering down of those hard-boiled texts that did get made in the thirties” (Lyons 17). Especially between 1930 and 1934—the period in Hollywood that saw the institution but not yet the enforcement of the Hays Code—Hollywood films walked a fine line of salaciousness, for while the Hays Code

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<sup>45</sup> As Sylvia Harvey observes, there exists a serious paradox regarding marriage and erotic sexuality in Western culture: “Although marriage is the only place where sexual activity is to be sanctioned, oddly enough (or perhaps it is not so odd) mothers and fathers are seldom represented as sexual partners...[s]o that, although married couples—that is, mothers and fathers—are the only ones allowed to engage in erotic activity, these parents or potential parents are normally presented in a totally de-eroticized way” (24). In this way, we encounter a type of catch-22: only married heterosexual partners are sanctioned for sexual activity, yet the legitimacy of the married state renders individual erotic sexuality unnecessary if not inappropriate.

<sup>46</sup> Arthur Lyons recounts how *Black Mask*, which was founded in 1920 by H. L. Mencken and George Jean Nathan, met with immediate popular success and was then sold six months later to George Sutton and Henry North. While *Black Mask* originally featured detective stories along with other genres, “[u]nder North’s editorship, the magazine began to lean more toward detective stories, and a new hero—the private eye—debuted in its pages. The year was 1922” (Lyons 13-14).

sought to enforce a conservative sense of dignity upon cinema that placated conservative and religious groups, the fact remained that America had entered an economic depression, and sex sells; “sex” in the context of the film noir means female sexuality and the display thereof.<sup>47</sup>

Arthur Lyons, in his study of American noir B movies, identifies the heyday of the American noir as 1939-1959<sup>48</sup>, and notes that the American noir was “not just a product of history but also a product of Hollywood” (2). Here, it is imperative to read “product” not merely as “result,” but also as commodity, since the noir existed as a genre and therefore was marketed based upon its recognizable style. It is generally agreed upon that the film noir features “a relentlessly pessimistic narrative, a dubious morality, dramatically contrasted lighting, and masculinity in crisis” (Vincendeau 31). Gerald Petievich also mentions the importance of an urban setting in the film noir (2). Lyons’ invocation of history is representative of standard historical readings; to say that film noir is a product of history is to say that it is a product of the American socio-cultural situation: that it began in the twenties, continued to gain momentum

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<sup>47</sup> As a result, even though American films noir were being made in the 1930s, the term “film noir” was not coined in the American context until the 1940s when exemplars of the genre were, ironically, exported to France. Under the Nazi occupation of WWII, the importation of American films into France was strictly prohibited. After the war drew to a close, however, the ban was lifted, and in the summer of 1946, several recent American films noir saw their French premiers. The most notable films that comprised this group of French imports include the following: *The Maltese Falcon* (John Huston, 1941); *Laura* (Otto Preminger, 1944); *Murder, My Sweet* (Edward Dmytryk, 1944); *Double Indemnity* (Billy Wilder, 1944); *The Woman in the Window* (Fritz Lang, 1944) (Petievich 2). French film critic Nino Frank is credited with first using the phrase “film noir” to describe this cinematic collection.

<sup>48</sup> It is worth noting here the very brief overlap between the classic American noir period and the French *Nouvelle Vague* (New Wave), which began in 1958. While I am by no means suggesting a causal relationship between the classic American noir period and the French New Wave, I do wish to point out the popularity of the American noir immediately preceding the advent of the New Wave.

during the Great Depression, and thrived during WWII and the postwar period because it served so effectively as a mirror for the frustrations, fears, and anxieties of the typical American.<sup>49</sup>

Brigid O'Shaughnessy from Dashiell Hammett's *The Maltese Falcon* arguably stands as one of the most infamous femmes fatales in noir film or literature. Based to varying degrees upon the 1930 novel, three versions of the *The Maltese Falcon* were produced between 1931 and 1941: *The Maltese Falcon/Dangerous Female* (1931), *Satan Met a Lady* (1936), and *The Maltese Falcon* (1941). John Huston's 1941 version met with the most success and has become the most canonical of the three; this is the version to which the following comments refer.<sup>50</sup> Mary Astor stars as Brigid O'Shaughnessy, a high-stakes, money-driven criminal whose involvement in a plot to gain possession of the invaluable titular bird sculpture drives her to subterfuge and ultimately lands her behind bars.

Whatever sense of agency Brigid demonstrates is linked directly to her erotic sexuality; thus, when placed in a situation wherein this sexuality has no purchase, agency is lost. In her interrogation of the threat that the femme fatale poses, Mary Ann Doane posits that "[h]er power

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<sup>49</sup> While the American film noir is certainly a product of Hollywood, the extent to which it is a product of history is what usually becomes obscured. Ginette Vincendeau takes another approach to conceiving of the American film noir as a "product of history," however. Historically the term "film noir" originated in France in the 1930s, but as Vincendeau argues, "cultural amnesia" arose around this point of origin (31). Drawing from Charles O'Brien, Vincendeau posits two possible accounts for this phenomenon. First, as the original French usage of the term was intended as an insult, it needed to be divorced from this context so as not to unfairly taint the positive spin being given it in an American context. In this way, American film noir was able to define itself as a genre precisely through erasing its French past. Alternatively, though not mutually exclusively, this amnesia allowed American noir to "reach back to earlier traditions, such as surrealism and German expressionism, untainted by the German Occupation" (31-32).

<sup>50</sup> The 1931 version, *Dangerous Female*, is the second most faithful version after Huston's, yet this earliest version also contains a nude female bathtub scene and a female strip search, this earning it the condemnation of the Hays Office and marking it distinctly as a pre-Code film. The 1936 version, also done by Warner Brothers, diverges the most from the source material and was intended as a passable version of the 1931 film.

is of a peculiar sort insofar as it is usually not subject to her conscious will, hence appearing to blur the opposition between passivity and activity. She is an ambivalent figure because she is not the subject of power but its *carrier...*” (*Femmes Fatales* 2). With this, Doane suggests that any power or agency seemingly attributed to or related to the femme fatale is not really in her possession. Doane goes on to claim that “[i]ndeed, if the femme fatale overrepresents the body it is because she is attributed with a body which is itself given agency independently of consciousness. In a sense, she has power *despite herself*. [...] She is not the subject of feminism but a symptom of males fears about feminism” (*Femmes Fatales* 2-3). While Doane follows her claims with the notion that undergirds her various examinations of the femme fatale—that these representations nonetheless have the capacity to do work beyond the context of what is obvious or intended—I am most interested in her diagnosis of masculine fear, as it inflects Lyons’ assertion that the film noir in general reflects Americans’ frustrations, fears, and anxieties with a more specifically gendered element. Perhaps it is in effort to quell these fears that the potency and capability of Astor’s character—as well as of the film itself—is severely watered down in publicity material. One publicity article claims soothingly that “[b]esides Bogart, there is charming Mary Astor in the romantic lead” in a film that is “a well concocted mystery drama with a liberal dash of comedy and romance,” making Brigid seem more like a flapper in a romantic comedy than a film noir femme fatale (‘*Maltese Falcon*’). Through the portrayal of these female characters whose agency is eventually taken from them—if it was ever really there in the first place—and through the punishment of this highly contingent agency, the femme fatale gives voice and materiality to abstract fears such as masculinity in crisis, and yet is also able to present at least one possible solution to the fear: keep women’s erotic sexuality under control.



In *The Maltese Falcon*, Brigid, who initially dupes private eye Sam Spade (Humphrey Bogart) in order to increase her chances of becoming the sole possessor of the bird, relies heavily upon her sex appeal in order to get her way. At one point, Brigid spends the night at Sam's apartment ostensibly because she is falling in love with him. In actuality, however, Brigid is more interested in keeping tabs on Sam's whereabouts; ironically, this backfires when Sam, ever suspicious of Brigid, takes leave of her early in the morning with her keys in order to search her apartment without her knowledge. The promise of potential sexual access to Brigid may have been one of the contributing factors to Sam's decision to take her case, as full of holes as her story may have been, and that same sex appeal may momentarily get her what she desires, but this economy cannot be sustained.

Near the end of the film, as it becomes clear to Sam Spade that the other criminals in on the Maltese falcon job, Gutman and Cairo, are looking to scapegoat Spade and/or Brigid for murders committed in pursuit of the figure, Brigid appeals to her love for Spade in order to spare her life and freedom. However, Spade, whose profession as a private detective works to his benefit and enables his emotional detachment from his cases and his relative protection under the law, has no sympathy for Brigid, even if he does believe her confession of love. At the end of the film, Spade will go back to his single life at the agency, while Brigid will likely receive a prison sentence. Her sexual agency was able to carry her for a considerable amount of time, but when her sexuality is no longer (immediately) appealing (or not sufficiently appealing when it entails a possible prison sentence), Brigid loses not only her agency but also her freedom as a citizen. While seemingly punished for breaking the law—*theft, murder, subterfuge*—Brigid is also, and more significantly, punished for using her sexuality as a tool for personal advancement.

As is the case for the vamp, the femme fatale's dangerous appeal lies in her overt sexuality. If, as Vincendeau notes, the film noir is characteristically about masculinity in crisis, and if a sexual affair with the femme fatale is one way of allaying that crisis, then the option of reproductive agency must be precluded from the film noir. Furthermore, if the femme fatale herself, as Doane suggests, stands as "a symptom of male fears about feminism," then she must remain erotic without being reproductive (*Femmes Fatales* 3). If that line were to be transgressed—if Brigid were to have become pregnant by Sam as a result of their sexual liaisons—then she is no longer just a sexualized body, but a woman with, to recall Young and Kristeva, an inaccessible pregnant interiority and subjectivity. This, combined with the demands that would then likely be placed upon the man for commitment and support that could be perceived as impediments to his freedom, would only exacerbate instead the masculinity crisis inherent in film noir instead of diminishing it.

In this way, the punishment of the femme fatale reinforces the same assumption that underlies the vamp: female erotic sexuality is dangerous and destructive, and adding reproductive sexuality to the equation only makes it more so. But looking at each of these types, I suggest not only that their leading ladies' erotic agency is threatening, but also that, were it to be attached to reproductive agency, it would pose an even greater threat. Women with erotic sexual agency cannot be trusted. They have their own agendas, they make their own decisions even when the outcomes thereof do not seem likely to be favorable, and they do not place the same value (or any value, in some cases) upon traditional sex and gender expectations and/or social mores. Fascinatingly, these same descriptions apply equally well to women in transitional/classical Hollywood cinema who take control over their own reproductive agency. To be more specific, the overlap between erotic sexual agency and reproductive sexual agency is

most noticeable when the choice that the woman in question makes is to go against the norm. If we were to create a set of analogies between female erotic and reproductive agency, it would look something like this: chastely kissing one's fiancé is tantamount to becoming pregnant intramaritally and giving birth to one's child, while having sexual encounters premaritally or extramaritally is tantamount to speaking about/using contraception and/or having an abortion. Women who go against the conservative, traditionalist, masculinist grain with their reproductive choices in transitional/classical Hollywood films meet with punishments very similar to those met with by the women who make similarly non-conservative erotic choices. In this way, despite their differences, we can see how women with erotic agency and reproductive agency are treated in much the same ways narratively, ideologically, and morally.

## CHAPTER 2

### Contraceptive Education: Morals, Science, and Eugenics

In Lois Weber's 1916 *Where Are My Children?*, several early scenes in the film focus on the plight of the minor but crucial Dr. William Homer. As we first encounter the Margaret Sanger-like Homer, he stands trial for the dissemination of eugenic birth control materials: an act which violates the 1873 Comstock Act banning, amongst other things, the distribution of information about birth control and abortion. Homer attempts to defend his actions through the use of two analeptic narrative vignettes: one depicts a dying baby surrounded by its viscerally grieving parents; the other, a poverty-induced fight between a husband and wife in front of their too-numerous children. Through the dissemination of birth control information, he argues, such saddening and wholly undesirable situations could well be avoided. Nevertheless, Homer is found guilty by "a jury of men."

Running alongside Dr. Homer's narrative thread is that of Mrs. Edith Walton, wife of District Attorney Richard Walton—the very attorney who successfully prosecuted Dr. Homer. Unbeknownst to anyone but her closest girlfriends, Edith has had at least three abortions during the course of her marriage to Richard. Edith's secret history is ultimately revealed, however, in a trial scene near the film's end that parallels Dr. Homer's trial near the beginning. This time, though, the abortionist Dr. Malfit stands trial; when his appointment book is summoned as evidence, Richard is shocked to find his own wife listed among Malfit's well-to-do patients. Although Edith never officially stands trial for her repeated abortions, the film makes it clear that she is punished for her actions extrajudicially. As a result of her abortions, Edith is now unable

to conceive, and she is thus condemned to suffer the loneliness of old age: years later, Edith and Richard sit in front of their fireplace as the ghosts of Edith's aborted fetuses appear before them as lovely children and age to the handsome adults who would otherwise be caring for them in their twilight years.

Common to both Homer's storyline and Edith's is the judgment framework that initially suggests a compatibility between the two: both Homer and Edith espouse progressive stances on reproductive rights in spite of legal stipulations, and both suffer for their progressive ideologies. In fact, scenes of Edith giving abortion advice to a girlfriend over tea are cross-cut with the scenes of Homer's trial. These cross-cuts emphasize Homer's and Edith's shared plight and point to the irony and injustice of prosecuting a man like Homer: without his brave actions, Edith would assumedly not even have any advice to give. Yet a closer look begins to tear at their seemingly common purpose. These same cross-cuts could also illustrate the very problem with men like Homer, as Homer stands in metonymically for any agent that makes it possible for fine, eugenically sound, upper-class women like Edith and her female cohort *not* to become mothers. In this way, although Homer advocates for contraception and Malfit practices abortion, the two figures and their purposes become conflated.

From these contradictory readings, we can see how *Children* raises the issue of the educational purpose of abortion and contraception films: What types of educational aims are present? Do these aims change over time? Do these aims work in concert with one another, or do they conflict? While Code-era abortion and contraception films evidence more of an interest in promoting a moral education than a fact-based one, social problem contraception and abortion films from the 1910s are more geared toward objective scientific education, albeit within a narrative frame. We must bear in mind, however, that the films from the teens are produced

during cinema's transitional period directly following the *Mutual v. Ohio* decision that deemed cinema "entertainment" and removed it from the First Amendment's protection. This, as I will explore, has significant bearing upon what information is included in these films, how it is presented, and how the films are received. The other significant influence I examine is eugenics discourse, as eugenics is foundational to the early birth control movement and cannot be divorced from ideologies of contraception and abortion in the 1910s and 1920s. Eugenic theories provide the point of departure even for progressive theories of birth control, such as those advocated by Margaret Sanger. I center my discussion around Lois Weber's *Where Are My Children?* (1916), for as I have indicated, it stands as a prime example of the struggles within these types of films between scientifically and morally educational elements. It strikes me as the film that is most obviously playing with a balance of the moralistically educational and the scientifically educational, and I believe that the contraception and abortion film's reliance upon eugenics—a discourse at once moralistic and scientific in the 1910s—makes it an ideal type of social problem film for examining issues of narrative, education, and women's reproductive rights. Additionally, the ambiguity of the film's messages makes it an ideal text for the consideration of the several and nuanced attitudes toward contraception and abortion espoused at the time. I will supplement my reading of *Children* with other contemporaneous abortion/contraception films: Leopold and Theodore Wharton's *The Black Stork* (1917) and its reframed 1927 version *Are You Fit to Marry?*; *The Law of Population, or Birth Control* (1917); Weber's *Hand That Rocks the Cradle* (1917) and Margaret Sanger's controversial *Birth Control* (1917) to the extent that information about them has survived. I will also consider several more scientific sex education films from the 1920s, such as *Personal Hygiene for Girls* (1922) and

*Personal Hygiene for Boys* (1922) from the Science of Life series, as well as Margaret Sanger's and Dr. Hannah M. Stone's *Biology of Conception and Mechanism of Contraception* (1922).

Eugenics discourse is the chief sociohistorical lens through which I read these films: one simply cannot talk about the early birth control movement without also considering eugenics, as eugenics discourse was intimately bound up with and exerted a heavy influence upon birth control discourse in the 1910s and 1920s. Through the inclusion of eugenics—and in some cases, the explicit promotion of birth control information—these transitional contraception and abortion films can—and do—make claims to their scientifically educational value; thusly, they could present an argument for First Amendment protection. Yet, at the same time, films such as Weber's *Where Are My Children?* are Hollywood films with a discernible classical narrative arc which foregrounds, even as it muddles, the moral lessons of a film—lessons which sometimes challenge and sometimes support the scientific aim. I am interested in examining this nexus of interplay and struggle between the scientifically and morally didactic in these early contraception and abortion films in order to understand how, by 1930, contraception and abortion films demonstrate a near total disregard for the genre's beginnings in the early birth control movement. I contend that, through this interplay of the scientific and the moral, the transitional-era contraception and abortion films begin to map the problems of female erotic agency explored in Chapter 1 onto reproductive agency. This, in turn, exacerbates the distinction between popular and prescribed beliefs about contraception and abortion.

## ***Where Are My Children?*, Margaret Sanger, and On-screen Birth Control: Eugenics as Scientifically and Morally Educational**

It is no surprise that both the scientific and the moral are at play in birth control discourse, as a.) birth control discourse has its basis in the early twentieth-century eugenics, and b.) eugenics discourse encompasses both of these aspects. What is surprising, however, is how these discourses interact with and affect one another within the context of the transitional birth control films. But how does eugenics and connect to and shape the narrative structures and variously didactic messages of these films? Relatedly, how does narrative structure interact with eugenics to help produce didactic messages? And ultimately, what are the consequences of reading contraception and abortion films from the late 1910s and early 1920s as scientific or moralistic, progressive or conservative, didactic or entertaining?

The 1915 Supreme Court case of *Mutual v. Ohio*, which I addressed in Chapter 1, stripped film of its protection under the First Amendment. As a chief result, film becomes more susceptible to censorship; what censorship means and how it operates on a film-by-film basis now varies on a state-by-state basis. In the wake of this landmark decision, a group of contraception and abortion films emerge and begin to test the limits not only of censorship, but also of film's capacity as a medium. The first and most popular of these films is Lois Weber's 1916 production *Where Are My Children?*.

*Children's* central plotline revolves around Richard Walton, "District Attorney [and] a great believer in eugenics," and his wife, Edith. Despite Richard's intense desire for fatherhood, the couple has no children, supposedly for reasons of biological incapacity on Edith's part. This supposition, however, is only half-true: while the couple's childlessness is indeed Edith's "fault," it is not due to her infertility. Unbeknownst to her husband, Edith has had at least three abortions



because she feels that motherhood would hamper her lifestyle. What's more, early on, the film contrasts Edith with Richard's sister and brother-in-law, a eugenically sound couple who has recently produced a very eugenic baby.<sup>51</sup> An intertitle describes their baby as "a source of great interest" to Richard, thus further underscoring not only Richard's fervent wish for children, but more largely the importance of eugenic discourse to the film. Shots of Richard pining over his sister's infant, however, are cross-cut with shots Edith clinging awkwardly to edges of the crowd—perhaps out of guilt, but more likely, I would argue, out of disinterest. The film construes Edith's desire to avoid pregnancy and motherhood as extreme selfishness, and this selfishness is echoed in her female cohort—all of whose names appear in the aptly-named abortionist Dr. Malfit's appointment book at the film's end. *Children's* central plot follows the Waltons as Richard eventually discovers Edith's secret abortions.

In order to engage with the scientifically and morally educational by way of eugenics, I will begin at the beginning with *Children's* opening intertitles:

The question of birth control is now being generally discussed. All intelligent people know that birth control is a subject of serious public interest. Newspapers, magazines and books have treated different phases of this question. Can a subject thus dealt with on the printed page be denied careful dramatization on the motion picture screen? The Universal Film Mfg. Company believes not.

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<sup>51</sup> By the mid-1910s, "better baby" contests—competitions wherein the eugenic fitness of youngsters was judged and rewarded—were quite popular. The ubiquity of these contests demonstrates the extent to which eugenic-based thought permeated American life. "Better baby" contests also show us that eugenic-based judgments were not just reserved for adults. See Annette K. Vance Dorey's *Better Baby Contests: The Scientific Quest for Perfect Childhood Health in the Early 20th Century*.

The Universal Film Mfg. Company does believe, however, that the question of birth control should not be presented before children. In producing this picture the intention is to place a serious drama before adult audience, to whom no suggestion of a fact of which they are ignorant is conveyed. It believes that children should not be admitted to see this picture unaccompanied by adults, but if you bring them it will do them an immeasurable amount of good.

Even in the first moments of the film before the introduction of characters or plot, we observe Weber's choice to frame *Children* with questions of one's personal responsibility to both scientific and moral education. With respect to the moralistic, the opening intertitles skew in two different directions. On the one hand, they emphasize an overall moral value in properly educating oneself on the subject of birth control, which would seem to be in keeping with the ethos of the early birth control movement. However, the second intertitle declares that "the question of birth control should not be presented before children" and suggests that without proper parental guidance, children who view the film may be adversely affected by exposure to adult material; this idea indicates something implicitly inappropriate and immoral about the very subject of birth control. This theme of competing moral messages will continue to surface throughout *Children's* plot.

With respect to the scientific, we notice the intertitles' appeal to film's ability to engage with popular and important subjects that interest "intelligent people." While it seems as though the film snidely and implicitly dismisses those with no interest in the subject as unintelligent, this dismissal is not, however, a slight against the disprivileged. Rather, I read the opening intertitles' function as quite the opposite, and as progressively moralistic at that: this line is a dig at the educated yet prudish elite who wish to disregard discussion of contraception as impolite and

inappropriate. Additionally, the second intertitle clarifies that *Where Are My Children?* deals implicitly with sex and explicitly with reproduction. It specifies that while children should not view the film unsupervised, as mentioned earlier, a viewing under the guidance of parental supervision could be *beneficial*. The film's producers believe that *Children* contains educational information regarding sex and pregnancy that young viewers might not understand on their own; accompanied by an explanation from a trusted adult, however, Weber's production could be scientifically educational and therefore of value to audiences of all ages.

Thus, the effort on the part of the first intertitle to frame birth control discussions as relevant news information is particularly noteworthy with regard to the *Mutual* decision, as we recall that film no longer has First Amendment protection; in this way, Universal's fight for *Children*'s approval challenged film's potential. The National Board of Review's early objections to *Children* concerned not the subject matter of the film, but rather its scientific accuracy. According to the NBR's chairman, Cranston Brenton, films like *Children* "must have the unanimous approval of medical men rather than an emotional endorsement, however sincere, of those who may overlook scientific significance" (Qtd. in Stamp, "Precautions" 275). According to Stamp's assessment, "[t]he board, in other words, was holding a dramatic film to the standards of journalistic accuracy" ("Precautions" 275). The NBR's insistence upon more accurate scientific information in *Children* becomes complicated in light of what is considered to be its worth as cinematic entertainment. As Stamp points out, one of the main reasons for the success, popularity, and ultimate passing of *Where Are My Children?* is its entertainment value. Indeed, "Weber...defended her film on the grounds that it must serve as entertainment first and propaganda second, in effect rejecting the board's view of the medium" ("Precautions" 281). This marks at least a momentary shift in the NBR's attitudes toward narrative film and

didacticism: “[w]hereas three years earlier the board had insisted that moralistic narratives of punishment and redemption accompany screen portrayals of white slavery and prostitution, here they were troubled by the film’s ‘emotional appeal,’ calling instead for more precise information” (Stamp, “Precautions” 275). While the desire on the part of the National Board of Review to hold film to this level of “journalistic accuracy” fades as the classical Hollywood narrative paradigm takes hold, this moment remains telling nonetheless, as it illustrates the potential for *Children* specifically—and film more generally—to be both entertaining and educational, as well as to contain elements of both scientific and moralistic messages.

One idea that I find particularly striking in Stamp’s passage above is that for Weber, *Children* “must serve as entertainment first and *propaganda* second,” (“Precautions” 281, emphasis mine). Propaganda here connotes not simply a desire to inform the public, but more so a desire to encourage the public to espouse a particular opinion regarding birth control. Again, we see the moral and scientific bound up with one another. The educational information which the film claims that it will share with its viewers should be, according to Brenton, scientific—and at least to the extent that *Children* shows abortion as an option, one could argue that it is; however, the film is also simultaneously moralistic, as “propaganda” suggests an inherent agenda. For the moment, let us set aside the question of what exactly *Children* as propaganda wishes to accomplish in order to first address eugenics, as eugenic discourse stands at the very core of the tension between this film’s—and other transitional contraception/abortion films’—scientific and moralistic aims.

In the context of social problem films from the late teens, discussions of birth control education necessitate discussions of eugenics, sexually transmitted diseases, and abortion; in turn, these issues raise questions about sex, class, race, and ethnicity, as well as a host of wildly

varying moral and ethical concerns. Regardless of how eugenics is used in various contraception/abortion films, there is no doubt about its crucial role in early sex education efforts and later modes of cinematic representation regarding social issues. Birth control crusader Margaret Sanger understood birth control and eugenics as nearly inextricable. As her grandson Alexander Sanger explains, “Eugenics at that time was not only ‘scientific’ but also much more respectable than birth control, which under [Sanger’s] leadership was seen as the cause of radical, feminist lawbreakers. Eugenics was there to be co-opted and used” (“Margaret Sanger Revisited” 213).<sup>52</sup> And that is precisely what Margaret Sanger does: she uses eugenics to legitimate and call attention to the birth control movement. In addition to her pamphlets and books,<sup>53</sup> Sanger’s monthly magazine founded in February 1917, *The Birth Control Review*, takes on a decidedly eugenic tone. As we can see in this excerpt from a November 1919 *BCR* article, Sanger wastes no time using eugenics to demonstrate why birth control is not only of critical importance to society, but even more critical importance than eugenics:

Before eugenists...can succeed, they must first clear the way for birth control.

Like advocates of Birth Control, the eugenists, for instance, are seeking to assist

the race toward the elimination of the unfit. [...] We who advocate Birth Control,

on the other hand, lay all our emphasis upon stopping not only the reproduction of

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<sup>52</sup> In this article, Alexander Sanger attempts to better contextualize Margaret Sanger’s espousal of eugenics within the birth control movement. In an effort to address accusations regarding his grandmother’s alleged racist or classist ideologies, Alexander Sanger does acknowledge that she believed in sterilization for those who “were incapable of understanding birth-control information” as well as immigration bans on “‘unfit’ people” (“Margaret Sanger Revisited” 216). Moreover, though, he emphasizes her dedication to feminism and, relatedly, to reproductive rights—especially for “the women she took care of as a nurse—the poor, the uneducated, the immigrant” (A. Sanger, “Margaret Sanger Revisited” 217).

<sup>53</sup> Examples include *The Case for Birth Control* (1917), *Woman and the New Race* (1920), and *The Pivot of Civilization* (1922).

the unfit but upon stopping all reproduction when there is not economic means of providing proper care for those who are born in health. [...] Eugenists imply or insist that a woman's first duty is to the state; we contend that her duty to herself is her first duty to the state. (Qtd. in A. Sanger, "Margaret Sanger Revisited" 213-214)

Specifically, Margaret Sanger advocates a positive eugenic approach. This approach to eugenics encourages those who are deemed most "fit" (i.e. upper-class, educated, healthy, white) to have children; on the other hand, negative eugenics seeks to prevent the "unfit" (i.e. working-class, immigrant, ill or having family members with a heritable disease, non-white) from reproducing.<sup>54</sup> One of the most dangerous ill effects issuing from the negative eugenic approach is that the category of "feeble-minded" was used by those in positions of gendered and racial power to dismiss—and in many cases institutionalize and/or sterilize—whomever they saw as a threat, namely those of low socioeconomic status, women, and African-Americans.<sup>55</sup> The grounds for categorization as "feeble-minded" were also impossibly vague and wide-ranging,

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<sup>54</sup> It is important to note, though, that even amongst those who Margaret Sanger believes should become parents, she nonetheless stresses the importance of not having more children than a couple can financially support—or more children than is physically advisable for the mother's health.

<sup>55</sup> As Harry Hamilton Laughlin observes in his 1922 study, *Eugenical Sterilization in the United States*, eugenic sterilization in the United States had been taking place on a state-by-state basis since at least 1907, when Indiana first legalized it (1). Additionally, even though the first statute is passed in Indiana in 1907, one was proposed as early as 1905 in Pennsylvania (Laughlin 1). All of this significantly predates the 1927 *Buck v. Bell* Supreme Court decision which officially legalizes forced sterilization on a state-by-state basis.

including anything from criminalism and prostitution, to alcoholism and sexually transmitted disease, to disabilities such as mental retardation or deafness.<sup>56</sup>

The concepts of positive and negative eugenics, while popularized in the 1910s, originated in the nineteenth century and stemmed from the work of Sir Francis Galton. Galton first coined the phrase “eugenics” in 1883 as “the study of all agencies under human control which can improve or impair the racial quality of future generations,” although he had been working with eugenic concepts long before he developed a phrase to succinctly describe them (Qtd. in Black 18).<sup>57</sup> In his 1865 article, “Hereditary Talent and Character,” Galton identifies intelligence and talent as traits inheritable from both parents; along these lines, he asserts that “[t]here is no reason to suppose that, in breeding for the highest order of intellect, we should produce a sterile or feeble race” (Galton 11). Galton’s emphasis on positive eugenics—the promotion of “good genes”—paves the way for later nineteenth- and early twentieth-century thinkers such as Cesare Lombroso, Max Nordau, Henry Goddard, and Lothrop Stoddard. According to Galton’s optimistic prognosis, proper breeding should bring an end to the propagation of what he considers dysgenic persons “in a few generations” (13). As eugenic theory moves into the twentieth century, however, eugenicists espousing Galton’s theory of positive eugenics notice that “inferior” persons are not being “bred out,” so to speak; what’s more, American eugenicists fear that dysgenic persons are reproducing at *faster* rates than eugenic ones. This anxiety spurs theories of negative eugenics, which prompt action to stop the reproduction of “bad genes” through institutionalization and sterilization.

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<sup>56</sup> For these reasons, I find it important to use this historically accurate term, although I will use it in quotation marks.

<sup>57</sup> Edwin Black takes this from “Notes on the Early Days of the ‘Eugenics Education Society.’”

Edwin Black, through his attempts to recover what he argues were Galton's noble intentions, posits that, "[w]hat Galton hoped to inspire in society, others were determined to force upon their fellow man" (19). A few of the main instances of eugenics tracts that I will examine alongside films in this chapter include the following: Charlotte Perkins Gilman's *Concerning Children* (1900), Henry Goddard's *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness* (1912), Lothrop Stoddard's *The Rising Tide of Color Against White World-Supremacy* (1920), and the *Buck v. Bell* Supreme Court decision (1927). Gilman's work examines positive eugenics through the lens of parental self-improvement, Goddard's text treats class-based negative eugenics, Stoddard's focuses on race-based positive eugenics, and *Buck v. Bell*, while certainly operating upon classist grounds, also draws our attention to perhaps the most obvious—but also under-examined and particularly problematic—categories for structuring eugenic thought: sex and gender.

Classifying persons as fit or unfit under the rubrics of positive or negative eugenics certainly poses some serious and fraught questions: How are these judgments to be made? Upon what grounds? By whom? Do those deemed unfit have any recourse, legal or otherwise, for challenging this judgment? And with specific regard to how these issues manifest themselves in contraception and abortion films, what sorts of narratives are constructed around such persons? *Where Are My Children?*, *The Hand That Rocks the Cradle*, and *Birth Control* deal primarily with positive eugenics, whereas negative eugenic rationale and practice are apparent in *The Black Stork/Are You Fit to Marry?* and *The Law of Population, or Birth Control*. Despite differences in eugenic approach, however, the following remain constant: the struggle between scientific and moralistic education, and as a result, the ambiguity of the message we as viewers—both contemporaneous and contemporary—take from the films.



Educational struggle and ambiguity are present in *Children* through the contrasting plotlines of Edith Walton's abortions and the abortion undertaken by the Walton's maid's daughter, Lillian. After an all-too-brief flirtation, Lillian becomes pregnant outside of marriage after engaging in sexual intercourse with Edith's rakish younger brother, Roger. Lillian consults Edith about the matter, and Edith refers her to Dr. Malfit. Unfortunately for Lillian, the abortion goes poorly, and she dies as a result in a particularly melodramatic manner.

These two plotlines are distinct in certain respects. Edith and Lillian occupy different class positions, and they are at different stages of their lives. They seek out abortion services for different reasons: Edith out of vanity and Lillian out of shame. They face different consequences for their decisions to follow through with abortion: Edith must bear the loneliness of childlessness in her old age, while the price of Lillian's decision is death. Yet one of the most striking differences between the two women's cases is the film's contrast between stances on their decisions and its ambiguity even within those stances. Shelley Stamp's research into the censorship, distribution, and reception history of *Where Are My Children?* shows that contemporaneous reactions to the film on the part of members of the National Board of Review's Review Committee betray confusion as to what the film is really trying to convey. Interestingly, after the NBR's Review Committee initially voted to pass the film, more inquiry into the film's suitability for release was called for; ultimately, *Children* faced opposition and was voted down instead because the film "contained medical misinformation...confused contraception and abortion...[and] contained mixed messages about the use of both, seeming to advocate family planning 'in order to protect young girls from the consequences of their misdeeds,' and appearing to oppose any form of birth control in the plot involving the Waltons" (Stamp, "Precautions" 274). Working from the popular eugenic ideas of the time, Stamp points out a

counter-claim to those reviews which explains this apparent inconsistency: “The film advances a eugenic argument not uncommon in birth control movements during these years, many of which tied their appeal to racist and classist fears about ‘race suicide’” (“Precautions” 275). She points out that it is not outside the norms of the period to observe proponents of eugenics advocating the use of contraception amongst working-class and non-white women, but not amongst privileged white women (Stamp, “Precautions” 275). I agree with Stamp’s assessment of the situation, as the attitudes toward eugenics that she identifies were commonly held and advocated in a move that is not contradictory, but that instead combines positive eugenic approaches (wealthy white women should have children) with negative ones (working-class and/or non-white women should not have children). At the same time, though, I also agree with the reviewers to a certain extent. It is not so much that I think the film contains “mixed messages,” but rather that the film is ambiguous about some of its messages—namely, those related to Lillian’s subplot. For example, the film is unclear regarding what types of reproductive options should be available to working-class women like Lillian, as well as under what circumstances and why availability should occur.

One way to begin to potentially parse out the film’s message is to differentiate between birth control and abortion. A common misconception about those who advocate birth control and reproductive rights—in the 1910s and today—is that these groups and individuals are pro-abortion. Margaret Sanger, for example, did not advocate abortion, but she instead promoted the use of contraceptives as a means of helping women avoid abortion. In her introduction to *The Case for Birth Control* (1917), she shares the story of a wife and mother of three who nearly died from a “self-attempted abortion” (M. Sanger, *Case 6*). This woman begged for information on contraception, which her doctor would not give to her. A few months later, Sanger is called to

this woman's bedside as she lay dying from yet another abortion, this time at the hands of a "cheap abortionist," after having immediately become pregnant following her previous abortion (M. Sanger, *Case 7*). In frustration over this woman's needless death, Sanger vows, "I would never take another case until I had made it possible for working women in America to have knowledge of birth control" (M. Sanger, *Case 7*). Abortion, for Sanger, is a practice that would be rendered unnecessary if women had proper education on contraception and access to contraceptive devices. With regard to Weber's *Where Are My Children?* and *The Hand That Rocks the Cradle*, Martin Pernick argues that "[t]hese widely misunderstood films support birth control but oppose abortion. Their primary point is that birth control provides a safe way for women to avoid dangerous and immoral abortions" (139). However, Pernick concedes, "...Weber's films also depict a need to control lower-class fertility" (139).

It might seem as though separating abortion-as-detrimental from contraception-as-beneficial would work to clarify educational aims within these films. In fact, an anonymous article in the inaugural issue of Sanger's *Birth Control Review* under the section heading of "What the Birth Control Leagues are Doing" seems to suggest the same in this review of a screening of *Children* in Portland:

'Where Are My Children?'[, ] a film play purporting to deal with birth control, but really exploiting abortion, played for a week in a downtown theater in Portland. The league objected to the method of advertising the film as a 'tremendous preachment on birth control.' The management allowed H. C. Uthoff, president of the local league, to speak to the audience of the theater three times daily on *the difference between contraception and abortion*, outlining the position of the [Birth Control] League. Thousands were reached in this manner who had

probably never given the subject of birth control serious consideration. (11, emphasis mine)

Here, we notice a few important moves on the part of Portland's Birth Control League relative to education. Firstly, the local Birth Control League wishes to differentiate between birth control and abortion within *Children*. The phrase, "purporting to deal with birth control, but really exploiting abortion," suggests that the reviewer believes that the film does not offer scientifically educational contraception information whatsoever, but instead favors the lewd exploitation of abortion. This leads us, secondly, to the fact that BCL does not find the film sufficiently educational. "Preachment" is a curious choice of phrase, as it denotes not only a moralistic exhortation to a dogmatic mode of conduct, but an exhortation that is perhaps overdone. The problem is that the film is not presently a "preachment on birth control," but that it should have been. Or, alternatively, the Portland BCL objects to the fact that the film purports to be a "preachment on birth control," but is instead a preachment on abortion. In either event, *Children* is not doing or saying what the reviewer or the BCL wants it to do or say. Thirdly, then, the local arm of the BCL arranges for its president to provide the missing educational information about contraception and offer its desired narrative regarding contraception and abortion. In this way, the League may temper and interpret Weber's narrative, put its own stamp of approval on the information shared, and use Weber's film as an opportunity for public education within movie theaters.

We may observe a similar move in another anonymous article in the April-May 1917 issue of *BCR*. This article, entitled "Exploiting Falsehood and Boycotting Truth," begins by unfavorably reviewing the film *Will You Marry Me?*, which the National Board of Review recently rejected because "[t]he theme of the picture...is abortion, disguised as birth control,"

which it deems ““objectionable in detail”” and ““perniciously misleading to general audiences”” (Qtd. in “Exploiting Falsehood” 10). The author goes on to name *Where Are My Children?* specifically as operating in the same vein,<sup>58</sup> along with two other films: *Race Suicide* (1916) and *The Unborn* (1917)<sup>59</sup>. Claiming that “clever lies go, but clean facts don't,” the review lambastes exhibitors for showing these films while displaying “servile timidity with regard to the one genuine birth control film on the market”—Margaret Sanger’s 1917 film *Birth Control*, naturally (“Exploiting Falsehood” 10).<sup>60</sup>

Interestingly, another article from the February 16, 1917 edition of the *St. Louis Argus*, an African-American weekly newspaper, reviews *The Unborn* favorably. The author notes that the film “exposes the quack doctor’s nefarious methods and handles the subject [of birth control] in almost unobjectionable manner” and “has been produced to serve a moral purpose and as such it

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<sup>58</sup> Annette Kuhn notes that *Children* was received unfavorably in Britain because “it was exactly its construction as a ‘sermon’ which prevented the film from reaching large audiences and achieving commercial success” (37).

<sup>59</sup> One reel survives of *Race Suicide*, a Siegmund Lubin picture produced by Lubin’s son-in-law Ira Lowry and directed by George Terwiliger and Raymond L. Ditmars. Modeled after D. W. Griffith’s *Intolerance*, *Race Suicide* is structured episodically; as such, all episodes could be screened together or shown separately. Joseph P. Eckhardt notes the oddness of the film, which began “with a reel devoted to insect and animal reproductive and child-rearing habits” and which “progressed through several periods from prehistoric man to the present” (219). Eckhardt cites an unfavorable *Motion Picture World* review of the film as evidence of its poor reception. The review argues that the film is harmful and conveys no point unless the audience accepts the belief that ““a young married couple should have children as soon as possible, irrespective of their ability to support them”” (Qtd. in Eckhardt 219). Nothing more specific is known about the film’s content relative to birth control. *The Unborn* is completely lost; however, I was able to locate a review of the film in the *St. Louis Argus*.

<sup>60</sup> The author also entreats the reader at the end of the article to “Ask your ‘movie man’ if he intends to let you see the *real* birth control film and, if not, why not!” (“Exploiting Falsehood” 10, emphasis mine). Overall, the article encourages potential viewers to boycott films that do not present the correct information—or any information—about contraception and to instead support Sanger’s film.

is an excellent and vivid preachment” (1). “Preachment” appears again as a means of describing the film, although its usage here is clearly positive. The article also mentions weekday matinee screenings for female patrons only which will be accompanied by lectures from a local nurse. The film’s perceived educational value is also apparent in the assertion that *The Unborn* is “especially enlightening for parents” (1). Although no copy or screenplay of this film is available, the *Argus* article makes it seem as though, contrary to the opinion of the *BCR* reviewer, *The Unborn* effectively differentiates between contraception and abortion (even if by failing to mention abortion) and presents contraceptive information effectively. Also worth noting is the consistency of the practice of framing the film with a lecture delivered by a member of the community educated on birth control. Beyond simple difference in opinion, we might account for these opposing reviews by considering publication along with audience. Although Sanger did not discriminate amongst women in need of contraceptive information, the *BCR*’s target audience is largely working- and middle-class white women. The *St. Louis Argus*, as an African American newspaper, targets a primarily black audience. This distinction raises questions of eugenics’ impact upon how certain populations received these films in the 1910s. Eugenics may be problematically in play in so far that the primarily white audience takes a critical view of a film like *The Unborn* and wishes to distinguish between birth control and abortion, while the primarily black audience supports the film and makes no such distinction.

In both unfavorable reviews of *Children*, we observe the push for a move toward the separation of birth control and abortion practically, theoretically, and visually. But the underlying point, however, is that the film does not separate the two—or at least, it does not do so in a clear-cut manner. Recalling Pernick’s comment on Weber’s films, I acknowledge that *Children*, for example, could certainly be read as promoting birth control while discouraging

abortion. I would add, however, that it could also be read as tacitly promoting abortion under certain circumstances and conditions, as well as critiquing abortion as it is unsafely practiced: behind closed doors, by untrained persons, away from the care of legitimate doctors and nurses. I will explore this reading further in the next section. Abortion and contraception are two completely separate practices, and *Children's BCR* reviewers are right to point out the importance in not conflating them. On the one hand, the push for perceived separation between contraception and abortion could be read as a reaction against women's popular conflation of the two. As Leslie J. Reagan notes, women "did not make a distinction between contraception and abortion, but saw them as part of the same project—a way to avoid unwanted childbearing" (41); elsewhere, she specifies that working-class women in particular did not differentiate between the two until the 1930s (Reagan 6). Overall, Reagan emphasizes that "[a]bortion was a moment in a woman's reproductive life...[that] cannot be separated from sexual relations or reproduction as a whole" (17).<sup>61</sup> In *Children*, Edith exemplifies this viewpoint. At no point does the film indicate that Edith uses birth control; for Edith, abortion *is* her means of contraception. I would contend, though, that *Children* does *not* conflate the two, and that it is this separation that raises the question of what class and/or race of women should have access to and/or should use which method. And in this way, I wish to expand Pernick's assertion that "...Weber's films also depict a need to control lower-class fertility" to also include a need to control other types of fertility under the banner of eugenics, which in turn further complicates the issue of the scientific and moralistic educational aims of films like *Children* (139).

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<sup>61</sup> Reagan later cites contemporaneous studies on abortion rates. In one of them, "A study of ten thousand working-class clients of Margaret Sanger's birth control clinics in the late 1920s found that 20 percent of all pregnancies had been intentionally aborted. Surveys of educated, middle-class women in the 1920s showed that 10 to 23 percent had had abortions" (Reagan 23). See Reagan's Chapter 1, footnote 10 of *When Abortion Was a Crime* for further information.

Another Progressive-era film, *The Black Stork*, further complicates the separation between contraception and abortion. One might have higher educational expectations of a film written by a medical doctor, but *Stork*, while seeming to exclude abortion altogether, ultimately includes it by redefining it under the rubric of euthanasia. Leopold and Theodore Wharton's *The Black Stork* (1916) and its reframed 1927 version *Are You Fit to Marry?*, directed by W.H. Stafford, engage similar educational tactics via eugenics as does *Where Are My Children?*, yet they also drive the wedge further between the coexistence in a film of the scientifically and the morally educational. While *The Black Stork* and *Are You Fit to Marry?* are two separate films distributed eleven years apart, I consider them together in this chapter for two key reasons. First, the repackaged 1927 version contains most of the original film.<sup>62</sup> Second, the 1927 addition of a frame narrative to the original happens concurrently with the Supreme Court's *Buck v. Bell* decision; this decision legalizes eugenic sterilization on a state-by-state basis, and in this context, the films lend themselves to a productive continued discussion of eugenics.

*The Black Stork* tells the story of Claude Leffingwell, who the film describes as a man "blessed with wealth and position, but whose inheritance includes the blood taint of an indiscreet ancestor." Even from the film's first introduction of Claude, the phrase "blood taint" indicates that the film will deal heavily with eugenics—and most likely with syphilis, which was known as a blood disease. Claude wishes to marry the lovely Anne Smith, but he is encouraged not to do so by Dr. Dickey, a doctor who advocates abstinence from marriage and sex if one knows oneself to be the carrier of hereditary disease. A strict believer in eugenics, Dr. Dickey also advocates the euthanasia of severely ill or disabled children both for the sake of the child and of

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<sup>62</sup> For a detailed account of changes or cuts made between the 1916 version of *The Black Stork* and the version included in *Are You Fit to Marry?*, see Chapter 8 of Martin Pernick's *The Black Stork*.



the race. Claude ignores Dickey's advice and marries Anne without informing her of his condition. At the birth of their first child, a crippled syphilitic son, the doctor asks Anne what she would like to do while also making his preference known through the way he characterizes her options: mercifully allow the infant to die, or prolong what will be a hard a tortured life for the boy. The answer is revealed to Anne in a divine dream vision, wherein the lifespan of the boy presents itself before her: he suffers ostracism throughout his life for his afflictions, is jailed for murdering the doctor who convinced his mother to let him live, and, after his release from jail, ultimately wreaks his vengeance upon society by marrying a working-class woman and having a brood of syphilitic children. Upon awaking from her vision, Anne declares, "God has shown me in a vision what my child's life would be. Save him from such a fate," and as Dr. Dickey touches the child, its soul flies into the arms of a waiting Jesus.

In *Are You Fit to Marry?*, all of this is framed by the narrative of another young couple, Jack Gaynor and Alice Worth. After newly betrothed couple announces their nuptial plans to Alice's parents, Mr. Worth takes Jack for a drive to the local "psychopathic hospital," where Mr. Worth narrates for Jack—and the audience—what can happen when the dysgenic propagate: "For the salvation of our race and the health and happiness of every individual we must stop at its source the pollution of the blood stream of the nation by passing sane eugenic laws that would prevent marriages among the unfit." Jack is upset at the thought that he must have a venereal disease exam in order to marry Alice, and so Mr. Worth tells him the cautionary tale of Claude Leffingwell, a "boyhood friend" of his. After hearing the sad tale of the Leffingwells, Jack reads up on the subject of heredity, takes the VD test, and passes. Alice is thrilled to hear the news, and the film ends with the line, "Yes, we're fit to marry."

In order to properly understand the educational bent of this film, we must consider that it was made by and stars Dr. Harry J. Haiselden of Chicago. Like the character Dr. Dickey, who is based on and played by Haiselden, Dr. Haiselden himself was an outspoken advocate of eugenic marriages and the euthanasia of what he considered defective babies. Haiselden first gained national attention with the case of the Bollinger baby in 1915. At German-American Hospital in Chicago, Anna Bollinger gave birth to a baby boy with serious health problems, and Haiselden was called in for consultation. While “Haiselden concluded that surgery could correct the intestinal defects and thus save the infant’s life...gross physical and mental abnormalities would remain, and he urged the parents not to request an operation. The Bollingers agreed, and five days later the baby died” (Pernick 3-4). According to health and science historian Martin Pernick’s research, Haiselden admitted in the wake of the Bollinger case that he had allowed “many other infants he diagnosed as ‘defectives’ to die” in the past ten years, and “over the next three years, he withheld treatment from, or actively speeded the deaths of, at least five more abnormal babies” (4). While there were many vocal detractors of Haiselden’s mercy killing practices, he also found overwhelming support from reformers and doctors alike, including Clarence Darrow, Helen Keller, and Baltimore’s Cardinal James Gibbons, among other notable persons.<sup>63</sup>

Given Haiselden’s medical background, it is reasonable to expect that *Stork* would be both scientifically and morally educational. But what is this film advocating and how is it doing so? One might argue that the film uses eugenically-grounded science to discourage syphilitic persons from having children: an opinion that also carries moral overtones in so far that abstinence from parenthood—and, implicitly, from marriage—is presented as the morally sound

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<sup>63</sup> For a more complete list of supporters and detractors, see Pernick 6-7.

choice for carriers of hereditary diseases. Interestingly, despite *Stork*'s emphasis on eugenic education about syphilis and procreation, the advocacy of birth control measures and practices is explicitly absent from the film. This is understandable to a certain degree, as the ostensible focus of the film is on entering into eugenic marriages and producing eugenic children—a goal to which even Margaret Sanger is not opposed.<sup>64</sup> Yet there are other related alternatives that the film does not mention. For example, a couple with one ill partner could choose not to have children or could instead decide to adopt a child from an orphanage.<sup>65</sup> Additionally, the film could highlight the fact that women need policies in place to help them know whether their sexual partner is a carrier of an STD or other disease with no outwardly physical symptoms or

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<sup>64</sup> In her November 1918 essay in *English Methods* entitled “When Should a Woman Avoid Having Children?,” Sanger declares that “By all means there should be no children when mother (or father) suffers from such diseases as tuberculosis, gonorrhoea, syphilis, cancer, epilepsy, insanity, drunkenness or mental disorders. In the case of the mother, heart disease, kidney trouble and pelvic deformities are also a serious bar to pregnancy” (243). Unlike most eugenic texts of the day, and unlike Haiselden, Sanger acknowledges that hereditary diseases may come from a child’s mother *or* her/his father. The import of this break in the trend of blaming women for propagating disease and “dysgenic” children will be explored more fully later in this chapter. Also divergent is Sanger’s concern for the mother’s health outside of concern for congenital diseases alone.

<sup>65</sup> Adoption was gaining momentum in the 1910s, especially after President Theodore Roosevelt called the first White House Conference on the Care of Dependent Children in 1909. The outcomes of this Conference “included the establishment of the Foster Care Program, the formation of the Federal Children’s Bureau, regular inspection of foster care homes by the state, and education and medical care for foster children” (“History” 3). Despite this step in the direction of advocacy on the part of abandoned and orphaned children, eugenicists such as Henry H. Goddard dismissed adoption as a eugenic risk. In his 1911 article, “Wanted: A Child to Adopt,” Goddard contends that whether a child’s background is unknown or partially known, her/his background cannot be sound, or the child would not be in need of adoption. When an abandoned or orphaned child is adopted, then, even if she/he seems “normal,” that child still could produce dysgenic children in adulthood and ruin her/his adoptive family—at least in name, if not also genetically (as in the case of a marriage between one’s biological and adopted children, which Goddard specifically cites as an example) (“Wanted”). In sum, Goddard sees adopting a child as a means of perpetuating generations of “feeble-minded” progeny, and he concludes his argument by stating the following: “It is neither right nor wise for us to let our humanity, our pity and sympathy for the poor, homeless, and neglected child, drive us to do injustice to and commit a crime against those yet unborn” (“Wanted”).

with symptoms not apparent outside of sexual intimacy. Yet far from promoting this policy change, we instead observe Dr. Dickey exacerbating the problem: he knows of Claude's condition but does not tell Anne, perhaps because of confidentiality, or perhaps because he is protecting a fellow male. Whereas Sanger argued in favor of birth control access for all women—especially the working class—Haiselden overlooks the fact that birth control education could be of critically help lessen the number of children born with congenital birth defects.

Margaret Sanger's films—*Birth Control* (1917) and *Biology of Conception and Mechanism of Contraception* (1922)—perhaps come the closest to displaying educational value, even while still maintaining the ambiguities of scientific and moralistic discourse under the banner of eugenics. Amongst these two films, *Biology* is without a doubt the more scientifically focused of the two. This two-reeler was directed in a joint effort by Sanger and Dr. Hannah M. Stone and presented by the Birth Control Federation of America, Inc., which was formerly known as the American Birth Control League and the Birth Control Clinical Research Bureau. This film demonstrates, through highly detailed and specific microscopic footage, the effects of various types of spermicides upon spermatozoa. It describes the length of the sperm, their rate of movement, and how many spermatozoa one would expect to find alive at various levels of spermacidic potency. The only narrative is the scientific one: there is no frame narrative; there is no dramatization; there are no Hollywood trappings. *Biology* is chiefly scientifically educational. However, simply through its title and the material that it presents, it also contains the implicit moral message that having knowledge of how conception occurs and how to prevent it is good and useful information.

Sanger's *Birth Control*, which preceded *Biology* by five years, not only demonstrates a clear narrative frame, but that narrative frame is based upon critical moment in Sanger's career

and serves as “a dramatized reenactment of her struggles as a nurse turned birth control activist” (Norden, “Reproductive Freedom” 263). Although a copy of the film has not survived, film historian Martin Norden has discovered what he describes as “a heavily detailed scene-by-scene scenario...that had been entered into the legal record as part of a deposition” which provides us at least with some information about the film’s plot and structure (“Reproductive Freedom” 264). *Birth Control* is split into two parts: the first, “The Martyrdom of Progress,” relies heavily upon references to Joan of Arc to, as Norden puts it, “find Sanger’s place within the general history of people, particularly women, persecuted for the their ideas” (“Reproductive Freedom” 268). One intertitle makes the comparison between Joan of Arc and Sanger explicit: ““To the aid of those mothers comes America’s most recent Joan of Arc, who, for her IDEA—Birth Control—has willingly accepted persecution and imprisonment.”” (Qtd. in Norden, “Reproductive Freedom” 268-269). Even with this intertitle, we can see how while the film does mean to spread the news of contraception, it is also designed as a publicity vehicle to promote Sanger’s work and reputation. As Norden argues, it was Sanger’s attempt at “redefin[ing] herself and her work to American mainstream society” (“Reproductive Freedom” 264).

The second section, “The Story of Margaret Sanger’s Fight Against Society’s Prejudice,” continues in the same vein. This section tells the story of Sanger’s interactions as a nurse with Sadie Sachs, the very woman Sanger describes in her introduction to *The Case for Birth Control*. Sachs, renamed “Helen Field” in the film, is a working-class wife and mother who desperately requests information on contraception, but to whom Sanger must deny said information based upon the Comstock laws. Without contraceptive knowledge, Sachs becomes pregnant again, seeks out an abortionist, and dies from a botched abortion. Following this vignette, *Birth Control* presents “another, more extensively fabricated story” wherein a newspaper publicist and

opponent of Sanger's work creates an elaborate plan to catch Sanger in the act of breaking the Comstock laws and distributing contraceptive information. Despite the fact that a female informant hired by Sanger's opponent, Andrew McDade, changes her mind and sides with Sanger, Sanger's clinic is raided by police and she is arrested.

Like *Children*, the NBR initially passed *Birth Control*. Reviewers from *Variety* wrote in favor of its tone and presentation of a difficult subject, saying that the films employed a “deft touch and intelligence” (Qtd. in Norden, “Reproductive Freedom” 272). As a result, Sanger planned a tour of the film, but the tour was cancelled when *Birth Control* met opposition from New York City's license commissioner, George H. Bell. While Bell claimed initially that his objections did not issue from personal opinions about contraception, he later expressed that, “we felt that it would be a bad thing, particularly in these times of war, to permit the exhibition of a moving picture advocating the limiting of birth” (Qtd. in Norden, “Reproductive Freedom” 273). Later, Judge Nathan Bijur ruled against Bell and in favor of Sanger's right to show the film, but this ruling was later reversed on the grounds that, under *Mutual v. Ohio*, *Birth Control* was “essentially a commercial product” and therefore not within the bounds of First Amendment protections.<sup>66</sup> Whether or not Bell personally agreed with Sanger's pro-contraception message, the larger issue here is a difference in Bell's and Sanger's stances on eugenics. Bell's position recalls the opinion of Theodore Roosevelt published in the October issue of *Metropolitan Magazine* as “Birth Control—From the Positive Side,” wherein the former president argues that birth control should not be promoted because we should not limit American birth rates. In her retort, Sanger counters Roosevelt by emphasizing that the practice of birth control helps to

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<sup>66</sup> For a more detailed account of *Birth Control*'s legal problems, see Norden, “Reproductive Freedom” 272-276.

increase the quality of those Americans born: “We advocates of birth control know that one cannot make quality by insisting on quantity. One cannot make better people by simply by having more people” (M. Sanger, “Answer” 13). Thus, while problems with Sanger’s film ostensibly arose from its content, it is more accurate to argue that problems arose based upon differing views regarding how eugenics should function—or, to take the problem one step further, it is more accurate to argue that problems with the subject of birth control were masked by the veneer of differing opinions about eugenics.

Lois Weber’s second birth control/abortion film, *The Hand That Rocks the Cradle* (1917), copycatted and further dramatized Sanger’s fight for birth control and her eventual imprisonment, hunger strike, and release. In it, Weber herself stars as the Sanger-like Lois Broome who, like Sanger, believes that the dissemination of eugenically-based birth control materials will improve the quality of women’s lives and render abortion an obsolete practice. When Lois’ husband, Dr. Frank Broome (played by Weber’s real-life husband and filmmaking partner, Phillips Smalley), refuses contraceptive information to women in need, Lois, as scholar Kay Sloan puts it, “took the matter into her own hands” (Sloan 341). Despite its narrative nature, one might expect the film’s extreme likeness to Sanger’s biography to help solidify its pro-contraception, anti-abortion advocacy. Yet, like the ambiguity of scientifically and morally educational aims we find in *Children*, *Cradle*’s blatantly ambiguous ending makes us question the film’s stance on contraception and abortion along clearly drawn class lines. The film ends with Dr. Broome, Lois, and George and Priscilla, two of their more well-off friends, offering varying opinions on contraception; these opinions range from being in favor of stifling public discourse regarding contraception (George) and eschewing birth control for “self control” (Priscilla), to the more progressive views of quietly providing contraceptive counsel (Broome)

and openly providing contraceptive counsel in order to end abortion (Lois). Noticeably absent is the viewpoint of any of the female characters in the film who have needed, suffered without, and/or benefitted from birth control information. One might argue that Lois represents this viewpoint, but these working-class women are still denied visibility at the last. Ultimately, *Cradle*'s closing intertitle asks the audience, "What do *you* think?"—a move that only reinforces the film's ambiguous stance.

Although *Birth Control* is a dramatization of events in Sanger's life and some details are altered or embellished, the core of the film is nonetheless real events from the life of a real person. In this way, its scientific and educational aims are less ambiguous than those in *Children*, as *Birth Control* has a real-life analog in Margaret Sanger. If a viewer wonders what educational messages the film attempts to convey, she can look no further than one of Sanger's many publications to find that Sanger a.) distinguishes between contraception and abortion and b.) advocates the former as a means to avoid needing the latter. Issues of the *Birth Control Review*'s bias aside, in this way, perhaps Sanger's *is* "the one genuine birth control film on the market" ("Exploiting Falsehood" 10). With its fictional narrative, however, Weber's *Where Are My Children?*, as I have indicated, is much more ambiguous in its educational aims, and this has everything to do with the strong presence of narrative within the film.

### **Narrative Integration as Educational Framework: The Visual Rhetoric of Eugenics**

Although the contraception/abortion social problem films appear during film's transitional era, film began its shift to narrative integration about a decade prior with the formation of the Motion Picture Patents Company (MPPC) in 1908. Within this shift, "filmmakers began to center their work on the task of storytelling" (Gunning, *Griffith* 25). Tom



Gunning identifies D.W. Griffith as a pioneer of the narrator system, which Gunning describes as functioning largely like the cinema of narrative integration in general. Amongst other possibilities, narrator systems allow for the expression of “a range of moral judgments” (*Griffith* 27). A main impetus behind this shift is the desire of filmmakers and censors to make cinematic images less potentially offensive by tempering them with a narrative frame. With an integrated narrative in place, the imagined viewer runs less of a risk of drawing the wrong ideas from a film—ideas primarily involving the emulation of crime, vice, or other wrongdoings. In order for these actions to function as parts of a cautionary tale, and not as attractions,<sup>67</sup> the viewer

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<sup>67</sup> The earlier cinema of attractions that dominated film from its inception was premised upon, as Gunning notes, “its ability to *show* something,” making it an “exhibitionist cinema” (Gunning, “Attractions” 57). The cinema of attractions was designed to arrest the attention of the viewer without the use of a causally motivated narrative. Gunning, drawing upon the theories of spectatorship and display posited by Sergei Eisenstein, defines the cinema of attractions as “a cinema that displays its visibility, willing to rupture a self-enclosed fictional world for a chance to solicit the attention of the spectator” (Gunning, “Attractions” 57). The cinema of attractions embodies Eisenstein’s conviction that “an attraction...is...any demonstrable fact...that is known and proven to exercise a definite effect on the attention and emotions of the audience and that...possesses the characteristic of concentrating the audience’s emotions in *any direction dictated by the production’s purpose*” (Eisenstein 35-36, emphasis mine). In the early period, the attraction is both sub-narrative and spectacular. Yet, as film moves more confidently toward the cinema of narrative integration in the transitional period, the latter part of Eisenstein’s definition becomes crucial, for it is precisely the “production’s purpose” that so profoundly complicates the role of sub-narrativity and spectacle within the narrative and that enmeshes questions of narrative within questions of censorship.

I am defining sub-narrativity along the lines of E. M. Forster’s distinction in *Aspects of the Novel* between story and plot. For Forster, story is, generally speaking, “a narrative of events arranged in their time-sequence. A plot is also a narrative of events, the emphasis falling on causality” (86). Story is tantamount to sequence, while plot denotes causal motivation. Although Forster uses the word narrative in both instances, I differentiate between the two by assigning “narrative” to movement that exhibits a causal relationship, and “sub-narrative” to movement that exhibits only a sequential relationship. Part of the rationale for this distinction is to limit the associations of “narrative” to instances of causality. However, I also wish to explore the role of sequence with relationship to causality, and more specifically, to explore sequence as a form of narrative movement that operates simultaneously with causality yet that is not the same as nor that is always already part of the causal system. In this way, I conceive of the sequential sub-narrative as that which could be rationalized into the causal narrative system, but also as that

witnesses—the viewer must witness—the negative consequences of said act, and not only the “immoral” act itself. This is not to suggest that moments of spectacle do not exist within narrative film—they certainly do. Their function, however, can vary: at times, spectacle works in concert with the main dominant narrative; at times, it coexists with the dominant narrative in a manner that neither adds to nor detracts from it; at times, it is at odds with the dominant narrative. More specifically, I would identify the moments of spectacle that occur within the contraception/abortion social problem films as didactic spectacle: sub-narrative moments that contain educational value and/or narratives of their own outside of the film’s central narrative plot and causality.<sup>68</sup> How might we characterize the relationship between moments of didactic

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which could operate outside of causal logic in a manner that could support, undermine, or have no significant effect upon the causal narrative.

<sup>68</sup> Causality is a key characteristic of a narrative’s plot. On the distinction between plot and story, see p. 86 of E. M. Forster’s *Aspects of the Novel* (1927) and p. 5 of Frances Patterson’s *Cinema Craftsmanship* (1920). With regard to the relationship between plot and spectacle, I do not mean to suggest that narrativity must be present in order for a didactic message to come across, nor that the seeming indispensability of narrative was in way inevitable, nor that the causal narrative possesses any formal superiority to sub-narrativity. David Bordwell suggests a formal superiority to the classical narrative which accounts for its role in the classical Hollywood cinematic paradigm; I would like to explore the implications of the possibility that it is not the inherent superiority of the classical narrative that ultimately makes it, in Roman Jakobson’s sense of the term, the dominant. Rather, narrative becomes a necessary means by which censorship institutions believe that what they consider to be potentially lascivious images and morally questionable information might be monitored and audience reaction to these images and information might be controlled.

According to Jakobson, “the dominant may be defined as the focusing component of a work of art: it rules, determines, and transforms the remaining components. It is the dominant which guarantees the integrity of the structure” (82). Jakobson also notes that within “literary evolution,” there exist “shifts in the mutual relationship among the diverse components of the system” which indicate “a shifting dominant” (85). Within the context of the classical Hollywood narrative, Bordwell identifies the causal narrative as the dominant. However, while he posits that the classical filmic system’s integrity “deserves to be seen as a dynamic one, with the subordinated factors constantly pulling against the sway of the dominant,” he nonetheless holds that “the causal dominant creates a marked hierarchy of systems in the classical film” (*Classical* 12). With this, Bordwell allows for some movement within the classical filmic system,

spectacle and the holistic educational aims of the films in which they appear? What effect might this relationship have upon how we observe the scientifically and morally didactic functioning within contraception/abortion social problem films?

In *Where Are My Children?*, we as viewers observe a few different moments of didactic spectacle, all of which are based upon and motivated by eugenics, although with varying narrative results. Two such instances revolve around Dr. Homer's testimony during his trial for the dissemination of eugenic birth control materials. In the first instance, we observe didactic spectacle in the form of a series of close-up shots of the very birth control tract for which Homer is on trial. After a close-up displaying the book's title and author—"Birth Control by Wm. Homer M.D."—Weber gives us three more close-ups of fairly long duration (18 seconds, 15 seconds, and 20 seconds, respectively) that all but force the reader to focus on the information being conveyed: "When only those children who are wanted are born, the race will conquer the evils that weigh it down"; "Let us stop the slaughter of the unborn and save the lives of unwilling mothers"; "Because men and women are ignorant and undisciplined, does it follow that unwanted children should be born to suffer blindness, disease or insanity?". Herein lies a stark example of the educational possibilities of a film that even the director herself identifies primarily as entertainment. The politics of eugenics in the suspiciously Sanger-like pro-birth control message of Dr. Homer's book are clear, and these politics express the mix of positive and negative eugenics commonly espoused by the early birth control movement, but without the extreme negative eugenic measures of institutionalization or sterilization. Nonetheless, there are frequently racial eugenic undertones present in *Children* as in the other contraception/abortion films of this era. Dr. Homer's tract, like many of Sanger's publications, promotes education and

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but not enough to enable an "evolution" of the type that Jakobson suggests as a possibility within a given textual system.

contraceptive practice for the good of individual women and also of the white race. As Alexander Sanger reminds us, it was crucial for Margaret Sanger to align her birth control movement with the preexisting discourse of eugenics. Despite her good intentions, however, this alliance unfortunately produced some classist and racist results: “Margaret Sanger tried to co-opt eugenics in a bid for respectability. It failed miserably and the damage continues to this day” (A. Sanger, “Margaret Sanger Revisited” 217). Despite the ill effects of this alliance, however, we must not lose sight of the critical emphasis that Sanger placed upon education—an emphasis that defines contraception/abortion films in the 1910s, albeit in complex and sometimes contradictory ways.

With regard to *Children’s* central narrative and educational aims, this series of close-ups is educational in and of itself. When we approach this courtroom scene and its attendant analepses within their own subplot, *Children* includes both scientifically and morally educational information in so far as it promotes birth control but not abortion: Homer’s entreaty to “stop the slaughter of the unborn and save the lives of unwilling mothers” certainly criticizes anyone who understands abortion and birth control as synonymous. When we consider Homer’s courtroom scene in relationship to the scenes with which it is cross-cut, however, suddenly abortion enters the birth control conversation; as discussed in the introduction this chapter, Homer’s trial scene is cross-cut with a scene in which Edith offers abortion advice to a friend. In this way, within the exact same sequences, contraception/abortion are both conflated and separated from one another. Alone, Homer reads as a martyr; in the context of Edith’s actions, he reads as complicit with the promotion of abortion. Thus, as we consider narrative frames and the moral aims they attempt to ascribe to *Children*, we must also consider competing narrative frames within the film itself as

well as within the film's dominant sociohistorical discourses on contraception/abortion—especially eugenics.

The eugenic bent of Homer's opinions on contraception becomes more visually explicit in its second instance, which occurs later in the same trial scene. Feeling that the court should "help instead of hinder" him, Homer launches into two flashbacks of visiting with poor families who could have benefited from the family planning information that we the viewers see in the close-ups of Homer's book. In the first flashback, Dr. Homer pays a visit to a woman in the slums. She looks weary and harried and is tending to a baby when he enters. Two other small children are at a table in the background. We then see a close-up from the doctor's point of view of the baby vacantly staring into the distance. As we return to a medium long shot that exposes more of the family's squalid surroundings, the mother, crying and shaking with sadness and fear, stands and clings to Homer's shirt. He pats her on the back and tries to comfort her, for it is clear to him that the baby is gravely ill and cannot be saved. When the father arrives home moments later, dressed in a torn jacket and slacks, his wife tells him the news, and he falls to the bed, sobbing convulsively. The doctor gathers his bag and exits.

The second flashback opens upon the interior of a home. Three children are lying together in one bed, which highlights the family's cramped living space and lack of resources. We then see their mother and father having a physical dispute. When the husband slaps his wife, she threatens him with her fist, and he retaliates by striking her. Outside of their tenement, a crowd has gathered while the altercation continues inside. Dr. Homer enters the apartment, attempts unsuccessfully to break up the fight, and is ultimately pushed out of the room by the couple.

With a prolepsis back to the present trial, Dr. Homer declares, “These conditions prove to me the necessity of world-wide enlightenment on the subject of birth control.” These educational analepses employ parallel narratives in order to demonstrate, quite literally, what it *looks* like when society does not heed the advice the doctor is criminally accused of sharing; they provide dramatized illustrations of the ideas we see in print immediately before. Although the contraception/abortion films from the 1930s and 1940s demonstrate how narrative and its moralizing effects can eclipse the educational, *Where Are My Children?* shows us how narrative presence and dramatization can help enhance the educational by making it more practically understandable and relatable. When Dr. Homer is found guilty at the end of the courtroom scene, I would argue that an element of moralizing enters into his sub-narrative in so far that the film, through its presentation of the scientifically educational, throws its sympathies to the side of Dr. Homer. Also, the manner in which the verdict is delivered indicates the film’s allegiance to Dr. Homer’s dispersal of contraceptive information: an intertitle declares that “A jury of *men* disagreed with Dr. Homer’s views” (emphasis mine). While the norm in 1916 would be for any jury to be comprised solely of men, “men” stands out in this statement because of the trial’s nature: while technically Dr. Homer is the one on trial, that which really stands trial is women’s rights to contraceptive information—and more fundamentally, to reproductive agency. The phrasing of the verdict implies that a jury of women would have decided differently.

Like Weber’s shots of poor, overpopulated working-class families in Dr. Homer’s courtroom flashbacks in *Where Are My Children?*, the Wharton brothers and W. H. Stafford employ similar visual rhetoric in *The Black Stork/Are You Fit to Marry?*, although to more obviously negatively eugenic ends. Dr. Harry J. Haiselden began plans for what Martin Pernick calls “the most explicit depiction of negative eugenics to reach the silent screen” shortly after the

Bollinger case made headlines (Pernick 143). Although the film initially ran into difficulties getting approval from the National Board of Review, it eventually enjoyed several decades of showings until at least 1942, especially when repackaged as *Are You Fit to Marry?*.<sup>69</sup> Given Haiselden's dedication to eugenics and desire to prevent the propagation of disabled babies and help these children to avoid what Dr. Dickey calls the "dreadful sentence of life," it seems only natural that his film would have an educational bent. In the frame narrative *Fit*, Dr. Worth, a somewhat toned down version of Dr. Dickey, gives Jack—and us—the tour of the "psychopathic hospital": the camera pans across a collection of individuals with darkened eyes and smudged faces who Dr. Worth describes as representative of the "thousands of poor demented souls incarcerated in this asylum." Firstly, the pan serves to accentuate the sheer number of so-called "demented souls." Additionally, since we see the patients from Worth's and Jack's perspectives, the pan illustrates what Martin Norden terms the "able-bodied point of view" characteristic of most films that include disabled characters (*Isolation* 1). Norden explains that the "strategy" of privileging the "able-bodied point of view" has two chief effects upon the audience: "it enhances the disabled characters' isolation and 'Otherness' by reducing them to objectifications of pity, fear, scorn, etc.—in short, objects of *spectacle*—as a means of pandering to the needs of the able-bodied majority, and it contributes to a sense of isolation and self-loathing among audience members with disabilities" (*Isolation* 1, emphasis mine). In the instance of *Stork/Fit*, we might understand "the needs of the able-bodied majority" as the enforcement of negative eugenic practices upon those not included in said majority. I wish to draw special attention to Norden's use of "spectacle," as the "hospital" patients in these scenes certainly function as

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<sup>69</sup> For a more detailed history of the film's censorship, see Pernick 150-158.

scientifically and morally educational spectacle—as the living example of exactly the kind of dysgenic children the film argues one should avoid having at all costs.

Similarly, we observe parallel sights along with Anne, Claude's betrothed, in *Stork's* cautionary narrative. Anne, as an upstanding and socially-minded upper-class woman, performs charity work at a local hospital for those afflicted with physical and mental disabilities. There, Dr. Dickey shows her—and us—a survey of health conditions: a microcephalic baby “with only a shadow of a brain” for whom “the worst is yet to come”; a boy who appears to have Down Syndrome; a sixteen-year-old girl with a terrifying smile who would likely be generically classified as “feeble-minded”; a “hopeless cripple.” These images, as in *Children?*, provide a visualized dramatization of the informational eugenics material that we read in the intertitles. Like *Children?*, these films also promote a negative eugenic agenda. Although these films do not explicitly advocate sterilization, the shots of the “hospitals” for the disabled imply that institutionalization and segregation are certainly fine. While not addressing the topic of abortion, *Stork* certainly has a radical agenda in its promotion of euthanasia for severely ill infants. Again, although never mentioning abortion, one implication of the eugenic and reproductive logic behind euthanasia in *Stork* is that *had* the women who gave birth to these disabled persons had abortions, all who are involved would have been better off, and euthanasia upon birth thus reads rather strongly, I would argue, as an extremely late-term abortion.

*Stork's* shots of the “psychopathic hospital” strongly echo photographs included in Henry Goddard's *The Kallikak Family: A Study in the Heredity of Feeble-Mindedness* (1912), wherein Goddard argues for class-based negative eugenics using copious doctored photographs and genealogical charts to bolster his claim. *The Kallikak Family* traces one New England bloodline's heritage in order to elucidate how the dysgenic genes gained such prominence and to



determine a course of action for dealing with the “feeble-minded.” Martin Kallikak, the pseudonymous although historically real patriarch,<sup>70</sup> begot children by his “normal” wife and a “feeble-minded” woman.<sup>71</sup> Although he produced only one child with his lover and several with his wife, both lines continue for six generations.

Of particular note in Goddard’s study is his inclusion of pictures of various members of the dysgenic Kallikak line. While the composition of the shots is unremarkable—children gathered on a porch, a woman posing outdoors near a tree, a young boy sitting near the bottom of a wood pile—the details of these individuals’ faces are disturbing. In the photo labeled “Great-Grandchildren of Old Sal,” one boy’s face appears smudged, another boy’s face is disjointed and clay-like, and the little girl’s features look as though they have been drawn in with pen (88). The boy described as “an imbecile of the Mongolian type” in “Great-Grandson of ‘Daddy’ Kallikak” has darkened eyebrows, nearly-erased eyes, and a straight, dark, unnatural mouth line (*Kallikak* 84). Edwin Black, after consultation with James H. Wallace, Jr., director of Photographic Services at the Smithsonian Institution, confirms Stephen Jay Gould’s accusation that Goddard doctored the photographs of the “feeble-minded” Kallikaks included in the book, “darkening and distorting the eyes, mouths, eyebrows, nose and other facial features to make the adults and children *appear* stupid” (77, emphasis mine). Black suggests that “the consistent addition of sinister features allowed Goddard to effectively portray the Kallikaks as mental and social defectives” (77). Goddard’s main point of concern was that mental degeneracy was invisible and

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<sup>70</sup> As Edwin Black notes in Chapter 5 of *War Against the Weak: Eugenics and America’s Campaign to Create a Master Race*, Goddard arrived at this new family name “by combining the Greek words for ‘beauty’ and ‘bad’” (77).

<sup>71</sup> In the genealogical chart of Martin Kallikak and the generation of his progeny, the two women with whom he fathered children are listed as “The Lawful Wife” and “The Nameless Feeble-Minded Girl” (Goddard, *Kallikak* 37).

could not outwardly be detected; thus, by tampering with the Kallikak photographs and assigning visible physical characteristics to these bodies, Goddard attempts to make them identifiable and therefore containable.

Goddard points to the continuation of the dysgenic line as a major dilemma, and he posits two plans in response. In the first, he suggests confining the “feeble-minded” in colonies, and urges his reader that he “would insist that segregation and colonization is not by any means as hopeless a plan as it may seem to those who look only at the immediate increase in the tax rate” (Goddard, *Kallikak* 105). Through reducing the so-called “feeble-minded” from human beings to dehumanized, objectified tax beneficiaries, he completely denies their agency and personhood.<sup>72</sup> Furthermore, the rhetoric of “segregation” echoes the relationship between class and race and shows how race can double back to structure class in a eugenic feedback loop.

While class-based mental deficiency comprised one front of the war on degeneracy, race comprised another. Lothrop Stoddard, one of Goddard’s contemporaries and a founding director of Margaret Sanger’s American Birth Control League, makes his concerns with race explicit. Lothrop Stoddard brought race to the forefront of the American consciousness with the 1920 publication of *The Rising Tide of Color Against White World-Supremacy*, in which he identifies an endangerment of white racial superiority that results from rapid and dysgenic non-white procreation, as well as from the numerous casualties of World War I’s white-on-white violence. He describes whites as “ranking in genetic worth well above the various colored races,” such as blacks, and he warns, “If the present drift be not changed, we whites are all ultimately doomed” (Stoddard 162, 304). Furthermore, Stoddard’s rhetorical use of “we” forges a bond between his

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<sup>72</sup> In *Fit*, Dr. Worth makes a similar argument as he explains, “there are millions spent in caring for these defectives.”

readers and himself: as he doubtless considered his audience to be “superior” whites, the resultant sense of intimate unity creates an immediate need to band together and quell this “rising tide of color.” The Nordic racial identity is an example of Stoddard’s wishful yet increasingly unrealistic construction of U.S. national identity.

Stoddard aligns with Goddard insofar that he believes each individual to be the recipient of either the gift or curse of heredity, particularly on the mental level,<sup>73</sup> and he ends his book-length tirade by blatantly asserting, “We now know that men are not, and never will be, equal” (306). He advocates the acquisition of “a true *race*-consciousness, which will,” among other things, “exorcise the lurking spectre of miscegenation” (Stoddard 306, 309). The need to stop dysgenic procreation, in Stoddard’s view, goes beyond the “feeble-minded,” raising questions of miscegenation and minority procreation. Stoddard’s decision to describe the threat of miscegenation as a “lurking spectre” is crucial for its inherent anxiety. As his book’s title suggests, the “rising tide of color” is noticeable—in fact, its visibility prompted the study—as persons of non-white racial backgrounds procreate and their populations increase; inversely, women of white racial backgrounds are blamed for not producing enough children. Miscegenation is different, however, for while the child of a white and a non-white parent might appear to be of mixed race, this child might also pass for white and eventually produce more children with another white person. The real terror for Stoddard is the dilution of the white race by undetectable threats.<sup>74</sup>

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<sup>73</sup> Stoddard cites each “race-type” as possessing “not merely the physical characters...but moral, intellectual, and spiritual characters as well” of a particular race (165).

<sup>74</sup> In nationalistic terms, the fear is not that “diluted” persons become un-American, but it’s precisely that with the right numbers, these persons will redefine Americanness.

Susan Courtney, in her discussion of Edwin S. Porter's *What Happened in the Tunnel* (1903), emphasizes the importance of anxiety within films that treat the topic of miscegenation. She argues that in *Tunnel*, "we find a structure that at once allows for the expression of anxiety about the unstable state of dominant racial and sexual affairs but also offers, in its dovetailing of said affairs, means of negotiating its multiple anxieties" (Courtney 9). One key idea here is that race is bound up with other social categories, such as gender and sexuality. I would add that class is another such category. Specifically, Courtney suggests that when the accepted social boundaries of these categories, or "registers," are breached in some way, the boundaries of another category are strengthened to account for that breach: "This kind of interplay, wherein temporary transgression of one register of difference is negotiated or stabilized through the reassertion of another, is a regular feature of interracial screen fantasies..." (4). By expanding Courtney's theory to include class differences, then, we can see how, as I suggest, race becomes coded as class, and class differences are reinforced with social problem contraception/abortion films.

Class coding and the anxiety surrounding potentially undetectable dysgenic threats factor heavily into a key subplot in *Children* involving Lillian, the Walton's maid's teenaged daughter, and Roger, Edith's rakish younger brother. After an all-too-brief flirtation, Lillian becomes pregnant outside of marriage. She consults Edith about the matter, who then refers Lillian to Dr. Malfit, the abortionist whose name alone suggests a poor fit within society as well as a level of dysgenic unfitness (for himself, for the women seeking abortions, for their fetuses). Unfortunately for Lillian, the abortion goes poorly, and she dies as a result in a particularly melodramatic manner.

*Where Are My Children?* makes it clear that Edith was wrong to have gone through with any abortions at all—especially without the consent of her husband—and she is punished for it in the end. Her reproductive agency becomes tantamount to race suicide in this scenario. This type of clarity is not always the case, however, and Lillian’s situation is much more ambiguous. The narrative implies that Lillian does not want to carry or give birth to her child due to the shame and scorn she associates with bearing a child out of wedlock. From the moment Lillian exits Dr. Malfit’s office building, the formerly vivacious teen appears weak and stumbles about; shortly thereafter, she lies wanly upon a spare bed at the Walton’s home, ill from the botched abortion. With her mother at her deathbed, Lillian apologizes to her and dramatically breathes her last, leaving her grieving mother crying hysterically. In this case, the causal narrative trappings multiply the possibilities of what the moralistically didactic message might be. Lillian is punished with death for the moral transgression of engaging in sexual intercourse outside of marriage, but her melodramatic death makes it difficult to pinpoint the film’s stance on Lillian’s abortion. Is the message that the causal narrative is working to convey that, eugenically, lower-class women should practice greater sexual restraint, but that abortion is a fine alternative to pregnancy and motherhood; that, moralistically, women should not have abortions at all regardless of their class standing; or, in the interest of women’s health, that lower-class women should be able to have abortions without sacrificing their lives? Is Lillian to blame for her demise, or are we to blame Edith or Dr. Malfit? One might think that, logically, Roger would have no small amount of culpability for Lillian’s situation, and yet he disappears from the film completely once Lillian’s abortion has been carried out. Within the logic of the narrative, Mrs. Walton’s abortions are presented as wrong because they are undertaken for selfish reasons—and, arguably, because she is eugenically sound and has, with her attorney husband, the financial

means to support children. By contrast, the narrative frame makes Lillian's abortion wide open to interpretation.

On the one hand, a eugenic reading suggests that Lillian's death, albeit melodramatic, is simply not very important—within the text and in the film's larger sociohistorical context. According to eugenic theories in the film and at large, it almost seems unfair that Lillian is punished with death for ultimately doing the “right” thing and having an abortion; nonetheless, the film still makes it seem as though her death is not of dire consequence and that Lillian, as a lower class girl, is expendable—an idea supported by the fact that once Lillian has died, the film does not revisit her subplot. On the other hand, a contemporary feminist reading would emphasize the unfairness of Lillian's death in so far as it was entirely unnecessary: her death could have been prevented if only Lillian had been properly educated on birth control methods and had been granted access to contraceptive materials.

Now, on yet another hand, my critical reading of Lillian's death is that such a death was needless in so far that it could have been prevented by proper medical intervention. Due to the illegal status of abortion before the Supreme Court's controversial 1973 *Roe v. Wade* decision, Leslie Reagan points out that many women talked amongst their families and peers about abortion, but they did not speak of it publicly. The stories of women who underwent fatal abortions were most commonly told, but “their deaths, however, were unusual. Most women survived their abortions and never had to tell anyone unless they chose to” (Reagan 22). Nonetheless, deaths did occur, and “though class did not absolutely determine access to or safety of abortion, class position helped define when a woman felt she needed an abortion and affected the type available to her” (Reagan 16). Although *Children* is not explicit about the details of what happens in Dr. Malfit's office, we do know that Edith, many of her girlfriends, and Lillian

all sought out Dr. Malfit's services. We know that of that list of women, the only one who died from her abortion is Lillian. We also know that Lillian is the only woman on that list who is not of ample social and financial means. This suggests that perhaps there is some type of class-based discrimination at play that contributed to the fatal result of Lillian's abortion. Had Lillian been able to access a non-discriminatory, safe, and legal abortion, her death could have been avoided. Instead, Lillian is not punished by the law, but by the moral majority with death for attempting to take control of her reproductive agency and choosing to abort her fetus.

Thus, in the context of *Where Are My Children?*, whatever message about abortion we are to glean from Lillian's subplot issues not just from her choice to go through with her abortion, but also from the consequences thereof. And yet even still, as I read these films, the continued presence of the scientifically didactic in addition to the morally didactic tempers the status quo morality that the narrative helps put in place by offering a competing non-moralized narrative. These two competing narratives, while not totally separable, also cannot be totally equal within a given narrative film: thus, the ostensible split that we observe between entertainment films and science films. But the transition to narrative integration precedes this split—precipitates it, even—which is why I find the contraception and abortion films from the 1910s such rich material for analysis.

There is one final aspect that I wish to address from *Where Are My Children?* and its engagement with eugenics discourse and class passing, and that is Edith Walton's abortion. As I mentioned earlier with regard to Lillian's subplot and its attendant ambiguities, Edith's situation, by contrast, appears at first very direct in terms of how the film presents her decisions to have abortions. According to the film, Edith's abortions were "bad" in part because they were done for selfish reasons. In part, too, the film criticizes her decisions because she is a prime eugenic

specimen for propagation—she assumedly comes from a good family, she is married to a wealthy lawyer who comes from a eugenically sound family (as evidenced primarily by his sister, her “eugenic marriage,” and her very, very eugenic baby), and she can afford to provide and care for a child (or two or three). But how eugenically sound *is* Mrs. Walton? *Children* seems to suggest that, on the one hand, she is eugenically sound, which accounts for why she is punished with barrenness for her abortions. On the other hand, though, the case can also be made that she is eugenically *unsound* because she *would even consider*, as a woman of means, the option of abortion.

This may seem like a stretch until we consider it in light of the set of eugenic theories outlined earlier and some of the prime fears and beliefs that were expressed amongst them, namely that inherited degeneracy is invisible and that degeneracy follows matrilinearly. Mrs. Walton looks “normal”; she is well kempt, she dresses fashionably, she is socially popular, she keeps her home and behaves outwardly in a way befitting a woman of her high class status. The film implies that there is nothing visibly wrong with Mrs. Walton, and yet it is discovered at the end of the film that she has had several secret illegal abortions for seemingly no good reason, which, I would argue, suggests that perhaps there has been something wrong with Mrs. Walton all along, such that a woman would choose to have several secret illegal abortions for seemingly no good reason. Here we have some pretty heavy conservative moralizing that contrasts noticeably with the progressive moralizing from Dr. Homer’s courtroom scene: instead of Edith as a brave woman rightfully in charge of her own reproductive agency, we see Edith as a degenerate criminal. In this way, then, perhaps her abortions were for the best—according to eugenics’ own logic—for they prevented the birth of children who could have inherited such “criminalistic” impulses from their mother—to borrow a phrase from the genealogical charts in



Goddard's *The Kallikak Family*. Furthermore, we must also wonder about the eugenic fitness of Edith's brother; to borrow another of Goddard's heritable traits, Roger, as we know, is "sexually immoral." If both brother and sister suffer from invisible dysgenic traits, then such traits must run in the family, and Richard and Edith's children would be at risk of inheriting such traits. In this way, perhaps Edith's situation is not so dissimilar from Lillian's in so far that the same questions about, health, fitness, and abortion apply. One key difference, however, is class status, as this is what causes Lillian to be identifiable as potentially dysgenic but Edith to pass. Ultimately, though, I argue that Edith Walton is *dysgenic because* she makes her reproductive choices.

### **Female Degeneracy: Dysgenic Invisibility and the Gendering of Blame**

As seen in the cases of Lillian and Edith, these women make their own reproductive choices but are punished—with death and sterility, respectively—for those choices. Additionally, all responsibility for those choices is placed upon them *as women*—or at least this is true when they act outside of the norm as women with reproductive agency. In this way, *Where Are My Children?* contains elements of the progressively scientifically educational and the conservatively (and scientifically flawed) moralistic. We see this illustrated again in the film's opening scene, as well as in *The Black Stork/Are You Fit to Marry?*, where it plays out somewhat differently.

In each film, these attitudes towards female culpability for dysgenic propagation can be traced back to eugenics discourse that culminates in the 1927 *Buck v. Bell* decision. While Lothrop Stoddard does not explicitly code degeneration as female, there is an implied pressure for eugenic white procreation placed upon the female. The immediately post-WWI context of

Stoddard's publication reminds the reader of the large number of recent white *male* casualties and suggests that the pressure for procreation is largely upon American (particularly "Nordic") women. Furthermore, when we consider Stoddard's administrative involvement in Margaret Sanger's birth control crusade, it becomes clear that the burden of family planning, for Stoddard, falls upon female shoulders. According to his reasoning, while we don't want eugenically sound women having abortions, as in *Children*, this course of action is acceptable, if not encouraged, for less eugenically sound women.

Henry Goddard takes a more extreme and negatively eugenic approach to the prevention of dysgenic propagation by proposing the castration or sterilization of the feeble-minded, and he targets the female progeny of Martin Kallikak and his lover in his study of genetic "feeble-mindedness." By 1912—when Goddard publishes *The Kallikak Family*—forced sterilization is not new in idea or in practice. Eugenic sterilization in the United States had been taking place on a state-by-state basis since at least 1907, when Indiana first legalized it (Laughlin 1).<sup>75</sup> In 1922, Harry Hamilton Laughlin assembled a then-to-date volume of eugenics-related legal cases; this evidence suggests that eugenic sterilization throughout the 1910s was "equal opportunity," so to speak: both women and men were subjected to sterilization procedures, often without their consent. Despite this fact, however, we can see how dysgenic propagation is gendered female as early as 1912. While the focus of *The Kallikak Family* is ostensibly on Martin Kallikak, and the study suggests his culpability in the continuation of his *dysgenic* line (which, genetically, is true), I would argue that Kallikak's culpability is negated by the very presence of his *eugenic* line. Thus, the real fault for Kallikak's dysgenic family tree lies with "The Nameless Feeble-Minded Girl," especially when we consider Kallikak's absence in the quotidian lives of the "feeble-

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<sup>75</sup> Even though the first statute is passed in Indiana in 1907, one was proposed as early as 1905 in Pennsylvania (Laughlin 1).

minded” lover and her family, since she is the one visibly associated with the dysgenic progeny (Goddard, *Kallikak* 37).

Charlotte Perkins Gilman, celebrated author of “The Yellow Wallpaper” and *Herland* and notable proponent of women’s rights and suffrage, was also an outspoken advocate for race-based eugenics. Although her theories do not expressly place the blame for hereditary issues solely upon women, her emphasis upon generational considerations becomes a rhetorical and ideological basis for the later *Buck v. Bell* decision. In *Concerning Children* (1903), which interestingly predates the Goddard and Stoddard tracts, Gilman argues that in order for the white race to continue improving with each new generation, heavy emphasis and attention must be placed upon each generation of children. She contends that if traits can be and are passed from parent to child, then potential parents must do as much as possible to improve themselves (their intelligence, their goodness, their character, their physical constitution) before reproducing. For Gilman, this ensures that they are optimally fit and able: “The way to have them [children] born better is to make all possible improvement in the individual before parentage” (21). Given, according to Gilman, that “at about fifteen the individual comes to a keen new consciousness of possibility” and that twenty-five is “the average beginning of parenthood,” she sets as the foundation for her study the notion that, as she calls it, the “precious ten” (the ages of fifteen to twenty-five) is the time of greatest possible personal improvement (17-18, 16, 21).

And yet, at the same time, the emphasis that Gilman places upon children also plays into eugenic thought and rhetoric in a way that, when appropriated by later modernist eugenic thinkers, can be used retroactively to condemn a child’s forbears to false conclusions about their health, character, competency, and right to reproduce that result in slander, libel, institutionalization, and/or sterilization. Additionally, her focus upon racial improvement sets the

stage for action in the decades to come that codifies racist attitudes toward non-whites and immigrants, such as the 1924 Johnson-Reed Act.<sup>76</sup> As Gilman writes,

Such young people, easily appreciating what could be done for themselves and the world by right living, would pour their rich enthusiasm and unstrained powers into real human growing,—the growing that can be done so well in that short, wonderful ten years,—that must be done, if the race is to be born better. *Three or four generations* of such growth would do more for man's improvement than our present methods of humaniculture accomplish in as many centuries. (24, emphasis mine)

Here, we can see the generationally-minded thinking that echoes ideologically in Goddard and Stoddard and almost verbatim rhetorically in *Buck v. Bell*. One of the few really progressive points Gilman makes, in addition to mostly espousing positive eugenics, is her positioning of hereditary traits, both good and bad, as coming equally from both parents, as opposed to later moves to position negative traits as inherited matrilineally.

However, we must bear in mind that the *telos* of this *personal* improvement, while of course a boon to the individual in question in the immediate term, is long-term *race* improvement: “There is a splendid wealth of aspiration in youth, a pure and haughty desire for the very highest, which ought to be playing into the current of our racial life and lifting it higher and higher with each new generation (23). Gilman’s focus on children, and more specifically on teenagers and young adults, could be read as a benign entreaty for parents to reexamine their parenting techniques and to do more for their children during their formative years so that they are positioned to flourish as conscientious, critical young people during their “precious ten.”

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<sup>76</sup> According to the Johnson-Reed Act, also known as the Immigration Act of 1924, the number of immigrants to be allowed in the United States annually was limited to 2% of the total of that immigrant population already living in the United States in 1890.

Furthermore, her emphasis upon the value of self-improvement could work, in a way, to counter eugenic beliefs that one's genetics (what one is born with) and environment (what one is born into) fix an individual to a certain fate or path—a logic that we will see very starkly and harmfully in *Buck v. Bell*. Nonetheless, we cannot ignore the sense of responsibility placed upon the parent—the mother—and what the results of shirking that responsibility could mean.

These instances are foundational to the starkest example of female gendering of dysgenic propagation: the 1927 Supreme Court case of *Buck v. Bell*, which garnered considerable nationwide attention. Carrie Buck, a supposedly “feeble-minded” teenager who had been institutionalized at the Virginia State Colony for Epileptics and Feeble-Minded after becoming pregnant as the result of rape, suddenly became the central figure in an ongoing debate over the sterilization of alleged degenerates. The prosecution argued that it wasn't enough to contain degenerates; they must be sterilized as well for the betterment of the human (read: white) race. Claiming that Buck's mother, who was also institutionalized at the State Colony, as well as her newborn daughter were also of dangerously sub-average intelligence, the prosecution cited these three generations as evidence that mental inferiority is a hereditary trait. The defense, not wanting Buck to win, threw the case; this move indicates that while persons who were even apprised of their potential sterilization did technically have legal recourse, availing oneself of this recourse made no practical difference. In his ruling, Justice Oliver Wendell Holmes decided to allow states the right to sterilize those who posed a “genetic” threat. “Prevention of procreation by degenerates would benefit society,” he concluded, “because ‘[t]hree generations of imbeciles is enough’” (Qtd. in Ragan 98). Here we observe the echoes of Gilman's emphasis on the generational, although the generational has now been turned toward the ends of negative

eugenics so that it may be used to prevent certain (classed, raced, gendered) persons from reproducing.

Furthermore, I suggest that the *Buck v. Bell* decision represents the codification of degeneracy as female, for the “three generations of imbeciles” alluded to in Holmes’s decision are three *female* generations of imbeciles. The underlying argument for sterilizing “feeble-minded” women is that they lack the moral constitution to control their sexual urges. In this way, they are placed on par with prostitutes (another group that comes under eugenic attack, in particular by Cesare Lombroso and Max Nordau); the key distinction between the two is that the prostitute willingly operates outside the bounds of morally proscribed action, while the “feeble-minded” woman is too simple to even understand what morally appropriate action is. In either case, the woman in question is reduced to her sexuality—a move that would seem to essentialize women and keep them in a position of subordination to men. When we consider this in the larger context of women’s issues in the first decades of the twentieth century, however, we can see how the attempts of elitist white men to further suppress women through eugenics are seriously put to the test by the advances of first wave feminism, such as public education on birth control, emphasis on family planning, and the passing of the 19<sup>th</sup> Amendment in 1920 guaranteeing women’s suffrage; we observe both of these lines of thought on female dysgenic propagation played out to varying results in the transitional social problem contraception and abortion films.

One of the most apparent connections is between *The Kallikak Family* and *The Black Stork*. In the film, we learn that Claude Leffingwell has syphilis because of his grandfather’s sexual indiscretion. As Claude says to Dickey, “It [syphilis] is not my sin but my grandfather’s. He had a servant – an unclean creature. One day while in a drunken stupor---“ and is interrupted with a dramatized flashback of a man in colonial-era clothing seducing a maid in a bedroom. As

Pernick points out, the chronology here is off: “allowing an ample thirty per generation would make [Claude’s grandfather] a figure from 1856,” yet his colonial mise-en-scene “evoke[s]...the early Republican horror of aristocratic decadence” (147). He continues that it “also draw[s] on a newer association between colonial days and contaminated heredity established by the highly publicized colonial-era pedigrees of such families as the ‘Jukes’ or ‘Kallikaks’” (Pernick 148). As I mentioned earlier, Martin Kallikak’s absence from the lives of the “nameless feeble-minded girl” and her offspring makes it seem as though she is the one to be held solely responsible for the degenerate children, when in fact Kallikak is equally culpable. I argue that we see the same erasure and shift of blame happening in *Stork* with Claude and Anne. Blaming Grandpa Leffingwell’s bad decision for Claude’s situation implies that Grandpa Leffingwell contracted syphilis from the maid—from a *female* carrier. Furthermore, while it is Claude’s fault that Anne contracted the disease (as Anne was unaware of Claude’s illness), Anne, as the carrier of the fetus, is also responsible for infecting the fetus with syphilis—and any future offspring from Anne or her child could also be infected, as we see ominously illustrated in Anne’s dream vision. In this way, all real reproductive agency is taken away from Anne, and the only agency she really maintains is her decision regarding the euthanasia of her son, which the film codes as morally upright through its use of religious rhetoric and imagery.

In fact, while Anne does eventually get to exert some reproductive agency when she must decide whether to save her son or allow him to die, it almost seems unfair that she is the only parent saddled with such a difficult decision; Claude does not weigh in on the decision, and as Pernick notes, he is completely absent from her divine dream vision, and we are never told why. Pernick surmises that this could be because his syphilis finally killed him, because Anne divorced him once she learned his secret, or because Claude abandoned his family out of guilt

and shame (148). I would add that there is another possible reason why Claude is absent from the divine dream vision: in keeping with my argument about eugenics discourse placing the blame for hereditary degeneracy upon women, I would claim that Anne, as the crippled boy's mother and someone also now, through Claude, infected with syphilis, becomes the one blamed for the child's many physical and mental defects.

Female culpability, while still present, looks quite different in the opening scenes of *Where Are My Children?*, however. Following the film's previously discussed opening intertitles, another intertitle informs us that we are now in Heaven, or at least some type of heavenly holding pen, indicated by golden-hued gates flanked by angels and around which smoke, which stands in for baby-souls, swirls: "Behind the great portals of Eternity, the souls of little children waited to be born." We are then introduced to three types of baby-souls: "chance children," "unwanted" children, and "prayer" children. The chance children are those conceived accidentally. This is the largest category, and the intertitle notes that these baby-souls "went forth to Earth in vast numbers." The unwanted children are those who were aborted, "constantly sent back," "marked morally or physically defective" and who "bore the sign of the serpent." When these children are mentioned, the previously joyful music changes to somber tones. Shortly thereafter, with the music joyful again and with a glowing cross now atop the heavenly gates, we meet the last group: the prayer children, those "fine and strong" baby-souls whose appearance was planned and desired by their parents who are "marked with the approval of the Almighty." While this interlude certainly bears the mark of melodramatic set-up, it also sets up the eugenics discourse to come, for intercut with vignettes showing off Richard's sister's eugenic baby and showing Edith give abortion advice to a friend, we find ourselves in Richard Walton's courtroom as Dr. Homer, a distributor of birth control information, stands trial.



Furthermore, these heavenly opening scenes foreshadow what we will learn about Edith and her several abortions. In this way, Edith and her girlfriends are later linked with the baby-souls and thusly figured as the party solely responsible for the return of the “unwanted” children to Heaven. Tellingly, the only husband pictured in the film is Richard, and we know that did not have knowledge of Edith’s actions nor does he approve of them once he discovers them; this only reinforces the point that the women are responsible for aborting their “morally or physically defective” children—children who are apparently so whether born or unborn. The film does not specify whether the baby-souls were defective pre- or post-abortion, but this ambiguity serves to underscore the catch-22 situation the film sets Edith and her female peers up to face: they shouldn’t have their children, but they also shouldn’t *not* have their children. Instead of applauding Edith and her friends for not carrying dysgenic children to term, as does *Stork*, these women are vilified doubly—for carrying dysgenic fetuses *and* for aborting them.

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In addition to the narrative films discussed in this chapter, the late 1910s and early 1920s also saw the development of more purely scientific contraception and birth control films. Even these more educationally-driven films, however, are not completely devoid of the trappings of the Hollywood causal narrative. The science films might initially seem to present a kind of stasis in the trajectory of the contraception/abortion film in so far that they more purely place a premium upon scientific, educational knowledge. Upon closer analysis, however, I would suggest instead that, with the exception of Margaret Sanger’s *Biology of Conception and Mechanism of Contraception*, the trappings of the classical Hollywood narrative in these films

turn them into a destabilizing force. While the films previously discussed in this chapter generally are narrative films containing educational information and advancing arguments about that information, the science films from the 1920s make no pretense to narrative, yet nonetheless use it in disturbing ways. Even though the science films seemingly have no overarching narrative frame or moral aims, the burgeoning classical Hollywood paradigm of causality seeps into the contraception/abortion science films and compromises their objectivity.

*The Law of Population, or Birth Control* (1917) stands out as a point of transition to the 1920s split between more morally didactic films and more scientifically didactic films. It opens with the familiar didactic spectacle of a eugenic tract, contains footage of cautionary “feeble-minded persons,” and uses a dramatization to illustrate the eugenic principles it espouses. However, described by Pernick as “a crude imitation of [Weber’s] work,” this lower-budget film lacks the star power, promotion, and production value to compete in the same camp as Weber’s films. Its narrative is more shoddily put together and seems almost an afterthought or a way of conforming to established tropes. Through it, we begin to observe the transition to the true contraception and abortion science films of the 1920s.

Two examples of the 1920s science film are *Personal Hygiene for Girls* (1922) and *Personal Hygiene for Boys* (1922), both from the Science of Life film series. *Personal Hygiene for Girls* makes claims of scientifically educational value, as it contains copious diagrams of the female reproductive system and explanations of the processes of conception and gestation. However, it also contains a very generic frame narrative about a female’s overall development and contextualizes these developments largely in terms of a girl’s potential as a mother, which, I argue, compromises the objectivity of the information it presents; with the frame narrative comes

a values-based moral judgment about the importance of (eventual) motherhood<sup>77</sup>. Most interestingly, though, while clearly a science film, we begin to observe the pervasiveness of a certain kind of limited causality. Take this example of three intertitles in a row, for instance: “Menstruation is a perfectly normal occurrence and not an illness. In case of pain or discomfort a physician should be consulted. Light exercise should be taken; also daily baths, but not with cold water. Promiscuous sexual relations often result in the spread of two diseases, -- gonorrhea and syphilis. If the father has syphilis, the child may be deformed or defective.” These statements are followed by a shot of a horribly emaciated baby who we are to assume was born syphilitic. It is true that a young woman capable of reproducing *could* contract a sexually transmitted disease during intercourse and later give birth to a baby affected by the disease, but there are also many other possibilities and possible outcomes for sexual contact. This move of taking a situation that contains many possibilities and winnowing those possibilities down to a very limited narrative and set of causal consequences is a move that we see developing in these science films from the classical Hollywood narrative; in turn, these science films’ use of limited causality eventually makes its way into the contraception/abortion exploitation films from the 1930s and 1940s that I will examine in my later chapters.

Lois Weber’s *Where Are My Children?* serves as a predecessor to the contraception/abortion exploitation film in so far as it features a courtroom narrative that runs

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<sup>77</sup> *Personal Hygiene for Boys* operates in largely the same way with regard to information about the male reproductive system. As in *Children* and *Stork*, *Boys* remains in keeping with the theme of female culpability in general, and specifically culpability regarding the transmission of venereal disease. As the intertitles state, “men who indulge in loose sexual conduct...expose themselves to pain and suffering” in the form of venereal disease contracted from the women implicated in their “loose sexual conduct.” While the film does acknowledge the role of a man infected with a venereal disease in the potential propagation of infected offspring—as illustrated with a medium close up of a child with a deformed mouth and a close up of an emaciated infant—his responsibility is mitigated by the female carrier who infected him initially.

from Dr. Homer to Dr. Malfit to Edith Walton, with Richard Walton as District Attorney filling the retroactive role of a sort of private investigator. While Drs. Homer and Malfit stood actual legal trial for their respective crimes of distributing eugenic birth control information and performing abortions, Edith stood a type of unofficial moral trial for her crimes of having an abortion—of having three abortions, actually, and of doing so without Richard’s consent, no less. Crane Wilbur’s 1934 film *Tomorrow’s Children* also aids in bridging the gap from the scientifically didactic films of the 1910s to the 1930s abortion exploitation films. In this film, the involvement of the well-meaning Dr. Brooks in a welfare case leads to a government investigation into the supposedly “feeble-minded” family of the seemingly “normal” Alice Mason, our protagonist. Brooks’ investigation results in a judge’s ruling that the entire family of degenerates must be sterilized lest they lose their welfare assistance from the government. The remainder of the film focuses on the efforts of Alice, her fiancé Jim, Dr. Brooks, and the Catholic priest Fr. O’Brien to clear Alice of the charge of “feeble-minded,” which they ultimately succeed in doing.<sup>78</sup> In both films, a woman stands reproductive trial, and although Alice is not accused of abortion, she is charged with degeneracy more generally—degeneracy which the court does not wish for her to inflict upon her own potential offspring.

The contraception and abortion films from the 1910s, through their heavy reliance upon and indebtedness to eugenic discourse and thought, are truly progressive in so far that they seek to educate women about birth control and encourage women to take control over their reproductive lives. Furthermore, by addressing such topics in an open manner, these films seek

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<sup>78</sup> The *deus ex machina* that comes to Alice’s aid in *Tomorrow’s Children* is very same plot device used in *The Black Stork*’s subplot for Claude and Anne’s friend Miriam, who fears marrying her sweetheart, Tom, and having children because her mother is an epileptic. Both Alice and Miriam’s names and bloodlines are cleared of any charges of degeneracy upon learning that they are not biologically related to the feeble-minded family members who raised them; thusly, they are fit for marriage and for motherhood.

to erode the taboo surrounding conversation—public and private—about reproductive issues. However, they still cannot circumvent the status quo prescribed morality of the time that denigrates, vilifies, and ignores women's reproductive choice, and the characteristics that make these films progressive, combined with anti-choice prescribed morals, set the stage for the sensationalist version of contraception/abortion film we see emerge in the 1930s: the abortion exploitation film, which uses contradictory narratives to acknowledge progressive reproductive ideologies beneath narratives that, despite their pretension toward the scientifically didactic, overtly advance an anti-choice agenda.

## CHAPTER 3

### **Reproductive Agency on Trial: The Criminality of Choice in 1930s Abortion Exploitation**

#### **Films**

Many narrative films treating the topics of contraception and abortion in the 1930s present themselves as scientifically educational: they employ intertitles extolling the virtues of sex education, they reference sex ed materials, and/or their characters discuss the importance of contraceptive knowledge. However, these films simultaneously present salacious, hyperbolic narratives redolent of the exploitation film. At once sensational yet also purporting to convey dramatizations of real problems facing young women, parents, and American society's moral well-being, the abortion exploitation film utilizes contradictory narratives to simultaneously shed a progressive light upon the subject of abortion while keeping abortion squarely within the bounds of the criminal.

Filmmakers are able to evade censorship in several different yet related ways that, in my analysis, draw primarily upon abortion history, the notion of prescribed versus popular morality, the conventions of exploitation films, and the use of contradictory narratives. The female protagonist of these abortion exploitation films functions as a hybrid of the erotic female types outlined in Chapter One: the white slave, the vamp, the flapper, and the femme fatale. She seeks some modicum of independence (from parents, siblings, husband) and unchaperoned access to the public sphere; she exudes an erotic energy; she is dangerous. She exhibits at times the naïveté of the white slave or flapper, but without the flapper's comic relief. Her intentions are not quite as mercenary as the vamp's, but she resorts to murder when necessary as the vamp or femme

fatale would. And overall, she is erotically *and* reproductively active, commonly outside the bond of marriage. This last criterion, I will argue, places our protagonist in a league of her own; yet, it is also precisely what ties her to these other female types that threaten normative sex and gender expectations, which thus necessitates punishment for her reproductive agency.

Through examining the moral and legal ambiguities of abortion practice in the interwar period in conjunction with exploitation films treating abortion, I wish to question and complicate who and/or what exactly stands trial in the abortion exploitation films. The protagonists (and I do wish to call them protagonists) in films like *Guilty Parents* and *Gambling With Souls* are not ostensibly accused of abortion (although they each did carry through with their own abortions). Given that abortion is illegal in the 1930s, why is the case that their abortions are not part of their criminal charges at all? To what extent does abortion factor into their alleged crimes of murder? For what crime are these women really on trial?

Lois Weber's *Where Are My Children?* serves as a predecessor to the legal aspects of the abortion exploitation film in so far as it features a courtroom narrative that runs from Dr. Homer to Dr. Malfit to Edith Walton, with Richard Walton as District Attorney retroactively filling the role of a private investigator of sorts. While Drs. Homer and Malfit stood actual legal trial for their respective crimes of distributing eugenic birth control information and performing abortions, Edith stood a type of unofficial moral trial for her "criminal" abortions—three in total, all of which were done without Richard's consent, no less.

The birth control and abortion films from the late 1910s covered in Chapter 2 focused primarily upon using a narrative to convey scientific facts and information about birth control methods and abortion to their audiences. This information was decidedly colored by eugenics-based discourse that, somewhat ironically, complicated the scientific with moral considerations.

By the 1930s, the eugenics angle has all but disappeared from Hollywood birth control and abortion films (although the trappings of matrilineal degeneracy remain), and the scientifically didactic purpose indicated by framing intertitles and content has been replaced by overtly morally didactic aims that are similarly indicated by formal means. Interestingly, though, the women who stand trial in abortion exploitation films are not *directly* on trial for abortion, but for the more mainstream crimes that issued from either their or a loved one's abortion scenario. In this way, abortion exploitation films can evade censorship by not making abortion the obvious focus of the film and dealing instead with other crimes, such as prostitution or murder.

Yet, at the same time, abortion is characterized as a crime that corrupts and begets other crimes. The two primary films in this chapter that illustrate this are Jack Townley's *Guilty Parents* (1934) and Elmer Clifton's *Gambling with Souls* (1936). In another version of the abortion exploitation film, it is not the woman who carried through with or who is associated with the abortion who is on trial, but rather those members of the medical profession who practice "bad" and unsafe abortions. For this type of the abortion crime film, I turn to S. Roy Luby's *Race Suicide* (1937) and Del Frazier's *Unborn Souls* (1939). These two films deal with investigations into abortion crime rings, and while abortion itself is not always figured as a bad or immoral act, the fact that it becomes bound up with crime makes it criminal by proxy and reminds us that, in the 1930s, abortion is legally a crime in its own right. Through attention to these two different but related types of exploitation films that treat reproductive crime and reproduction *as* crime, I aim to illuminate the possibilities of representing reproductive agency during the early years of the Code, as well as the productive ambiguity of the status of abortion in both film and reality. I argue that through the use of contradictory narratives regarding abortion, abortion exploitation films comply with *prescribed* moral norms for how society



*should* view abortion in order to slyly acknowledge *popular* moral norms that present abortion not as a crime but as a real and necessary part of women's lives. In this way, they create a narrative dialectic that tacitly challenge the predominance of prescribed anti-abortion sentiment as they simultaneously acknowledge popular moral norms. Without the assertion of prescribed moral norms, the subtle advancement of popular norms would not be possible.

### **Moralizing the Illegal: Abortion Practice and the Exploitation Film**

With this section, I want to look at and establish a background for the two different historical contexts that I feel centrally inform the films I wish to examine: abortion practice and exploitation films in the 1930s. I will begin with abortion history in order to show how its attendant ambiguities (moral and legal) could easily bleed over into and overlap with those commonly found in contemporaneous exploitation films addressing other sex ed-related topics. Furthermore, understanding the ambiguous nature of abortion in early twentieth century America—the discrepancy between law, popular representations (such as those in the films I discuss) of abortion, prescribed morality, and popular morality—is critical to an understanding of how reproductive agency is represented and understood in these films.

Eric Schaefer's excellent work on the history of classical exploitation films lays the groundwork for my inquiry, as the sex hygiene exploitation film, which grew out of WWI venereal disease films, commonly included topics such as sex education and abortion (Schaeffer 166). In his landmark study, *"Bold! Daring! Shocking! True!": A History of Exploitation Films, 1919-1959*, Schaefer contends that unlike mainstream classical Hollywood films, "exploitation films were about difference. In exploitation films, we find our society constructing many of its myths about 'the Other.' Of course, exploitation movies do not tell us as much about the Other as

they do about the fears and anxieties of those who made and saw the movies” (Schaeffer 13). In the case of abortion exploitation films, the Other in question would be women with reproductive agency, while the fears and anxieties referenced include women making their own reproductive choices, particularly when those choices are pre-marital sex and illegal abortion.

In addition to the exploitation film’s sensational anxiety-induced agenda, Schaefer also importantly points out that, “The lessons and information imparted by exploitation films were often complex and contradictory,” although he does not specify what exactly this means for the abortion exploitation film (165). Working, then, from a concept explored by Jay McRoy and Guy Crucianelli in their essay “‘I Panic the World’: Benevolent Exploitation in Tod Browning’s *Freaks* and Harmony Korine’s *Gummo*,” I describe competing narratives in the abortion exploitation film as contradictory instead of counterfactual. Rather than proposing alternative histories or *ex post facto* historical revisions, as do counterfactual narratives,<sup>79</sup> contradictory narratives present two simultaneously occurring narratives that conflict with and potentially undermine each other.

In the abortion exploitation film, we notice at least two sets of contradictory narratives. The first addresses a rift between what purports to be elements of scientific and moral education

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<sup>79</sup> Groundwork on the counterfactual narrative has been laid by Catherine Gallagher in a literary context and Daniel Dorhn in an art historical one. See also the collection of work on counterfactual narratives compiled in the Spring 2007 issue of *Representations* on Counterfactual Realities, which features essays by Gallagher, Mark Maslan, and Paul K. Saint-Amour, among others. In the introduction to this forum, Gallagher, Maslan, and Saint-Amour write, “The essays collected here bear witness to a widespread intellectual trend—the popularity of alternate history as both subject and method in cultural inquiry. Alternate or counterfactual narratives imagine a world whose history diverged at some point from the course of events as we know them” (51). While this brand of inquiry is no doubt salient for literary and historical studies, my inquiries build upon this while also diverging from it. Instead, I find it more practical for my work here to consider different narratives happening simultaneously than narratives of alternate or revisionist history, as the former more accurately describes the how the competing narratives in the abortion exploitation films function.

within the film. Furthermore, we observe a second rift in the historical reality of women's reproductive rights and options. Another way to think of this is through the lens of popular versus prescribed morality as laid out by reproductive rights historian Leslie J. Reagan.

The abortion exploitation films' contradictory moral narratives are directly related to their moral ambiguity and the ambiguous nature of opinions regarding abortion in the 1930s. According to Reagan's research into early twentieth century abortion practices, popular and prescribed moralities were often not identical (Reagan 6). In Reagan's terms, popular morality would be the moral beliefs on a given topic or subject—such as abortion—in reality. It reflects the views actually held by those affected by this topic, whether directly or indirectly. Prescribed morality, by contrast, is the way that those in power want people to think or want to make others believe is actually a *popularly* moral view. With regard to abortion, “[t]he evidence of people's behavior—the persistent use of abortion by women of all social groups, and the sympathy of many men and women for their doing so—suggests the existence of an alternative popular morality in conflict with the law” (Reagan 45). Reagan's work is useful in the context of abortion exploitation films—and contraception/abortion social problem films generally—because it identifies a discrepancy and clears room for considering other possible receptions and meanings of this topic relative to its representations.

The Production Code also provides a key context for both this chapter and the next, as it only exacerbates the popular/prescribed divide through its mandates, strictures, and suggestions. Furthermore, the Code functions differently with relation to exploitation films than it does for mainstream film from the major studios. The abortion exploitation films in this chapter illustrate how abortion is treated outside of the Production Code's strictures, while the mainstream films in Chapter 4 needed to meet the Code's requirements before distribution approval would be granted

(a process illustrated by the back-and-forth exchanges between directors and censors in the PCA files I examine).

Given that a.) one of the problems with film is that it signifies, b.) those images that signify negatively to conservative reformers—female erotic and reproductive agency— must be regulated, and c.) film is legally proscribed as narrative entertainment, we can see how a regulatory form such as the Production Code could arise as a means of protecting the industry and legally allowing for the production of narrative entertainment. The Production Code, which is first introduced in 1930 although not enforced until 1934, seeks to aid film censorship by articulating what can and cannot be depicted in American Hollywood cinema. And as Ruth Vasey argues, “far from being a radical imposition on Hollywood’s production practices, [the Code] operated within, and was consistent with, broader preexisting and contemporaneous regulatory procedures” (7). Through the limitation of what it considers to be displays of vice and immorality, the Production Code seeks to exert control from within the industry over audience response to film content and assuage anxieties over audience reception. While the Code addresses areas of vice that are not inherently tied to issues of sexuality or gender—crime, murder, and alcoholism, for example—there are two tenets of the Production Code that implicitly attempt to censor the female body: General Principle 1 and Section III.

General Principle 1 states that “[n]o picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil or sin” (Qtd. in Leff 284). Section III, entitled “Vulgarity,” puts forward that “[t]he treatment of low, disgusting, unpleasant, though not necessarily evil, subjects should be subject always to the dictates of good taste and a regard for the sensibilities of the audience” (Qtd. in Leff 285). Neither of these tenets explicitly mentions the pregnant body,

contraception, or abortion, and this is precisely my point of interest in the Code generally and these tenets in particular. One critical point of inquiry is precisely how the Code is interpreted in such a way with regard to contraception films that it comes to include contraception, abortion, and the pregnant body within the umbrella of “low, disgusting, unpleasant, though not necessarily evil, subjects” (Qtd. in Leff 285). These tenets are unsettling when considered alongside contraception films because, with the help of the implications of the Sims Act and *Mutual v. Ohio*, they simultaneously acknowledge that contraception-related topics are not inherently bad while attempting, through limiting scientific or objective didacticism (which the exploitation film certainly does), to make them *seem as though* they are, and have always been, bad. With consideration of the previously stated givens, it follows that images of contraception, abortion, and pregnancy must be understood to also signify negatively if they are to be censored out—which they are.

While the Code does not necessarily apply to exploitation films, as they are outside of the bounds of mainstream Hollywood, exploitation films nonetheless vexed Jason Joy and others in the censorship office. The separation between exploitation film and mainstream film began around 1919, according to Eric Schaefer, when positive public attitudes surrounding early venereal disease pictures “turned into sour denunciations as health officials, critics, censors, and the leaders of the motion picture industry began to dissociate themselves from the sex hygiene feature” (37). This attitude shift was caused in part by the educational bent of exploitation films post-*Mutual*, and in part because exploitation films began branching out from wartime VD films into a wider range of topics (pregnancy, narcotics) that were deemed unsuitable. From this moment forward, mainstream Hollywood did all it could to differentiate itself from exploitation films. Part of this distinction was the based around the aim and quality of film. As Schaefer

explains, “[t]he films that the mainstream industry tried to create through self-regulation fall into the field bound by wholesomeness and entertainment, whereas the films made by exploiters fall into the opposing conjuncture of unwholesome education. Through suggesting that education did not have a place on the screen, Hollywood drove a major wedge between their films and those of the exploiters” (155). By 1930, when the Production Code is introduced with Jason Joy at the censorship helm, even the Code’s preamble, as Schaefer notes, means to set this distinction: ““Through regarding motion pictures primarily as entertainment without any explicit purpose of teaching or propaganda, [the signatories of the Code] know that the motion picture within its own field of entertainment may be directly responsible for spiritual and moral progress, for higher types of social life, and for much correct thinking...”” (Qtd. in Schaefer 154). It is clear that mainstream Hollywood sees itself—or at least wants to be seen—as a bastion of morality and public good, and Hollywood believes that morality and goodness happen through entertainment. I would contend, though, that Code-era films of both stripes are morally, though not scientifically or objectively, educational.

Another part of this distinction had to do with distribution. In order for a film to be shown at an MPPDA-affiliated theater, that film needed a seal of approval from the Hays office. Without such a seal, films were generally restricted to release in independent theaters, where they would be subject to state and municipal censors instead of the Hays office. Thus, if one wanted a wider distribution for an exploitation film, that film would have to adhere to the Production Code and pass. However, even “[o]n those occasions when exploitation producers sought an MPPDA seal for a movie to gain broad distribution and access to better theaters—which were generally owned by members of the MPPDA or major chains that abided by the

Code—they found the deck stacked against them” (Schaefer 158). As a result, most exploitation films were not Code-approved, including those examined in this chapter.

With the Hays Code in place by 1930 and its enforcement in action by 1934, it becomes increasingly difficult to represent or even include contraception and abortion in Hollywood films. By this time, the split between scientifically and morally educational content becomes pronounced, as I will demonstrate by contrasting the social problem and scientific contraception/abortion films of the 1910s and 1920s, respectively, with their exploitative counterparts in the 1930s. While those writing and producing early classical Hollywood films under the Code still address the topics of contraception and abortion, the Code’s strictures as they pertain to the female body are still in play. As a result, those in charge of Code-era female reproduction films must develop ways around inviting censorship, such as, in the case of the abortion exploitation film, the contradictory narrative.

The abortion exploitation film is considered under the rubric of social problem films (which, as discussed earlier, are important to the contraception/abortion film as a genre). It is critical to note, however, that despite this association with the social problem film, the abortion exploitation film does *not*, in reality, accurately fit this description. The social problem film, an example of which is *Where Are My Children?*, actually seeks to offer some sort of solution to the problem it addresses. In *Children*, one of the issues at hand is the Comstock Law’s ban on the dissemination of birth control information. The possible solutions vary according to interpretation, but certainly one solution the film offers is its advocacy of an end to criminalizing those like Dr. Homer who wish to educate others about eugenics-based contraception methods. The abortion exploitation film, however, while addressing an issue of greater social concern, sensationalizes it and thusly offer no real solution. *Guilty Parents* takes on the issue of prudish

parents who deny science-based knowledge about reproduction and contraception to their children. While we could potentially read the solution as entreating parents to encourage their children's sex education, the import of this message is negated by the hyperbolic nature of Helen Mason's narrative.

Some criticism has been leveled against the major production studios for limiting the number of social problem film made in the thirties in favor of "escapist fare" and for watering down the message and criticism of those films that were made (Balio 281). As Tino Balio notes, however,

[d]efining itself as a purveyor of *entertainment*, Hollywood never considered it a duty to analyze society or the economy. Any attempt to do so would have opened the industry to the charge of producing propaganda. Moreover, any proposal to solve a social problem would carry political liability and fragment the audience. Hollywood steered clear of this minefield and continued to do what it did best—provide 'harmless entertainment' for the masses...the goal was always profits, not social justice. (281)

Of the major studios, Warner Bros. took the lead in social problem pictures; however, instead of actually delivering social criticism or prescribing an agenda for change, they "typically sidestepped issues by narrowing the focus of the exposé to a specific case or by resolving problems at the personal level of the protagonist rather than at the societal level"—a move that came to be known as "Burbanking" (Balio 281)<sup>80</sup>. While Warner Bros. did not produce the films under consideration in this chapter—in fact, they were not produced by any of the majors—this process is nonetheless an apt description of any sense of resolution offered by the films

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<sup>80</sup> Balio notes that the trade publication *Variety* coined this term in reference to the studio's location in Burbank, CA (281).



examined in this chapter; and even still, those resolutions, as I will explore, are nonetheless rendered ambiguous through the use of contradictory narrative. The films that I treat here were produced by Jay Dee Kay Productions (*Guilty Parents*, *Gambling With Souls*), Willis Kent Productions (*Race Suicide*), and Del Frazier Productions (*Unborn Souls*). These production companies, while smaller, were still considered “established,” with Willis Kent being somewhat larger than Jay Dee Kay, and they constituted 2 of the 4 major exploitation film companies of the time (Schaefer 44). In terms of output, Eric Schaefer notes that, “[i]n the 1930s, Kent alternated between Poverty Row westerns...and exploitation before moving completely into exploitation in the 1940s” (44). From honest women falling into lives of crime, to women blackmailed into work as call girls, to the hyperbolic worst-case-scenario feel of these films, it is not hard to see how their attendant elements of sensationalism help to lend them to the exploitation film tradition.

Between the elements of exploitation in these films and their inaccurate associations with social problem films (despite the fact that these films did not actually aim to solve any problems), we notice an inherent sense of moral ambiguity. Related to yet distinct from the exploitation film is the gangster film, which I will address here briefly for the points of crossover I observe between it and the abortion exploitation film. The gangster film, while ultimately making sure that its criminal protagonists were punished according to the specifications of the Production Code, nonetheless caught flack from the Board of Censorship for glamorizing a criminal way of life. Gangster films in particular saw a brief but bright heyday in 1931, but they quickly oversaturated the market and drew too much negative attention from the Hays Office: “[u]sing the Code for leverage, the Hays Office helped convince producers to put an end to the classic gangster cycle” (Balio 285). The abortion films share something in common with the

gangster picture in so far as they feature protagonists who are not to be emulated and who must ultimately be punished as per the Production Code's stipulations, and they depict illicit and illegal activities. Additionally, they are both pretending to be social problem films, but they do not actually suggest any ways to solve the particular social concerns that they highlight. The main difference, though, is that the abortion exploitation films feature empowered women who, while to some extent victimized by circumstance, are also transformed by those circumstances into reproductive femmes fatales: dangerous women who are not afraid to resort to violence in order to protect themselves or exact revenge for wrongs done to a loved one, particularly when the crimes against others are of a sexual nature.

The social and industry limitations placed upon the abortion exploitation film lend themselves not only to the exploitation genre and the use of contradictory narratives, but also to our understanding of how the contraception/abortion film works as its own unique film movement. The abortion film, generally speaking, is what we could consider a film genre of its own. According to Janey Place, genres "exist through time...Genres are more characterized by their subject matter and their iconography than their movements, and they can express a wide and changing range of ideologies" (Place 37, 39). James Naremore describes the "genre function" with regard to film noir, which he bases on Foucault's author function. For Foucault, the author function examines how various institutional structures impact and shape discourse. According to Naremore's reading of Foucault, "[a]t the bottom, these relations [between institution and discourse] are 'projections' governed by belief in 'a point where contradictions are resolved, where incompatible elements are at last tied together or organized around a fundamental and originating contradiction'" (Qtd. in Naremore 11). Applying the "genre function" to contraception/abortion films is also useful in so far that there are indeed many

institutional factors shaping their filmic discourse, such as eugenics, the law, and prescribed morality, to name just a few. Also, as I discuss in these chapters, it is useful to note that while the presentation of the relations between institution and discourse may try to resolve the issues of contraception and abortion—and make it seem as though these films have done so successfully—this is not the case.

The different types of contraception/abortion films that I discuss in these chapters would constitute movements that are part of the larger contraception/abortion genre. Movements, which Place uses in the context of the essay to describe the film noir, “occur in specific historical periods...they express a consistency of both thematic and formal elements which makes them particularly expressive of those times, and are uniquely able to express the homogeneous hopes...and fears...brought to the fore by, for example, the upheaval of war” (Place 37). I bring this up at this point not to quibble over definitions, but to illustrate, as I move from the early abortion films of the late 1910s to the abortion exploitation films of the thirties, that issues of attempting to represent abortion are not confined to a particular historical period; rather, like the issue of abortion practice itself, these films span many decades, styles, and, mostly importantly, ideologies. Ranging from scientifically and morally educational to sensationalized and entertaining to spectacular and melodramatic, the abortion and contraception film does not have one central function. And yet, while mostly generic in nature, these films, which are demarcated by different historical moments, also share trappings of the movement in so far that within each historical moment, there is a different impetus affecting how the issue is represented. Given, though, that the films from the 1930s are not accurate barometers of popular feeling about abortion, it is difficult to call that particular group of films a movement in the same way that one could call the films of the 1910s a movement. What is useful here about considering the

contraception/abortion film as a movement, however, is that the 1930s abortion exploitation films' historical moment is the climate of fear surrounding the woman with reproductive agency.

The reproductive femme fatale who populates the abortion exploitation film represents a castration threat, as does the erotic femme fatale of film noir. Even though I would not consider these films to be films noirs (although there is surely some overlap), consideration of the femme fatale type is useful here in so far as she becomes explicitly reproductive; this problematizes the sex/pregnancy divide present in the femme fatale type that I discussed in Chapter 1. Of the film noir, Place has the following to say:

[f]ilm noir is a male fantasy, as is most of our art. Thus woman here as elsewhere is defined by her sexuality...women are defined *in relation to* men, and the centrality of sexuality in this definition is a key to understanding the position of women in our culture. The primary crime the 'liberated' woman is guilty of is refusing to be defined in such a way, and this refusal can be perversely seen (in art, or in life) as an attack on men's very existence. Film noir is hardly 'progressive' in these terms...but it does give us one of the few periods of film in which women are active...are intelligent and powerful, if destructively so, and derive power, not weakness from their sexuality." (Place 35, emphasis original)

This viewpoint is not necessarily radically different from views posited by Laura Mulvey, Mary Ann Doane, and other feminist psychoanalysts, but I appreciate the way that Place sets up the possibility of a somewhat liberated representation of erotic agency. By extending her identification of these possibilities in terms of the reproductive femme fatale, who possesses and engages both her erotic *and* reproductive agency, the terms of relationality shift. Women in contraception/abortion films are certainly active when it comes to both realms of their sexual

identities, such that these two sexual identities are not separated in the way that they commonly are otherwise. In the abortion exploitation films of the 1930s, *women* occupy the principal position; the men in the film are defined in relation to *her*. Even if, in her erotic capacity, her agency could be seen as defined in relation to men, I argue here that the combination of erotic and reproductive sexualities changes the direction of the relational position. In this way, as I outlined in Chapter 1 with regard to Young and Kristeva, the now-pregnant woman occupies a subject position that is inaccessible and they therefore must be defined subjectively *by that woman*. In this way, the reproductive femme fatale poses twice the threat as the classical femme fatale; however, within a masculinist status quo, she also, as we see in the abortion exploitation films, “deserves” twice the punishment in order to maintain that status quo.

As Reagan demonstrates, the idea of punishing a woman for exercising her reproductive agency is a common action that can take place in different ways: “[p]unishment for violation of the law and sexual norms has been gendered. In abortion cases, the investigative procedures themselves constituted a form of punishment and control for women. Publicity and public exposure of women’s transgressions further served as punishment” (5). I also appreciate the emphasis that Reagan places upon the (female) gendered nature of punishment for sexual transgressions, particularly reproductive ones. Although abortion may have been a prevalent practice while illegal, it was also a secretive one, and the idea of being publicly outed, even for a decision that a woman confidently makes herself, is certainly part of the punishment; we can see this first phase of the punishment in the form of the trials that the female protagonists in these films must endure. The second phase of punishment is death or a prison sentence, as the case may be. In any event, punishment for reproductive agency cannot be avoided, and as we shall see in *Guilty Parents* and *Gambling with Souls*, the representation of reproductive crime and

punishment is rife with the moral ambiguity brought about by these films' uses of contradictory narratives.

### ***Guilty Parents and Gambling With Souls: The Case of the Reproductive Woman***

I would now like to turn to *Guilty Parents* and *Gambling With Souls* as case studies for the problems of punishment that I have discussed for the reproductive femme fatale, as they fall into the first category of abortion exploitation film wherein a woman stands trial for crimes that are not explicitly abortion, but are nonetheless related to abortion. At issue in these films is not just their content, but how this content is relayed to the audience in terms of narrative structure. Both films rely heavily upon the use of flashback, which, as I will examine, is at once objective insofar as it supposedly reconstructs the story of the crime(s) as it/they actually happened. And yet, there is still information that is not made explicit or scenes that are not shown—like the fact that the protagonists had abortions, not to mention the abortions themselves. With each film, I want to trace how guilt—and what kind, and for what “crime”—gets constructed through the shifts between subjectivity and objectivity in the flashbacks. Additionally, I also want to draw attention to the contrasting endings of the films. *Guilty Parents* concludes with the protagonist, Helen, about to be found innocent, but she jumps out of the window nearby to her assumed death below because she cannot stand the suspense; the ending is riddled with female violence and ambiguity *through* closure. In *Gambling with Souls*, however, Mae receives no verdict, and the outcome is left deliberately ambiguous. These endings in turn connect back to my argument about the ambiguity of the practice of abortion as well as the avoidance of censorship while dealing with what the Code considers clearly problematic topics.

Elmer Clifton's *Gambling with Souls* (1936) tells us the cautionary tale of Mae Miller through the trope of the courtroom frame, and it relies heavily upon analepsis to reveal the detailed circumstances regarding how Mae landed herself on trial. As the film unfolds through analepsis, however, the viewer learns that the angry and unrepentant woman on trial not only has every reason to be unrepentant and angry, but that she was not always this way (which, interestingly, solidifies her status as protagonist—a key point that I will address further.) The film begins with the scene of mob boss Lucky Wilder's death—a scene that we will see again later in flashback—and then cuts to the courtroom where Mae stands trial for his murder. The district attorney booms, "And it's *women of your kind* who must be brought to justice. You, who thrive in the slime of life, who keep clubs like the one we raided open, to lure your victims out of their doom. And then you climaxed your vile life with the violent crime of murder, didn't you?"; unwilling to confess at first, Mae responds simply with a standoffish, "I was there" (emphasis mine). What exactly does the district attorney mean by "women of your kind"? Context suggests that he is referring to gambling and murder as that which qualifies Mae as "vile," but I would like to add that abortion is deliberately implied here. "Climax[ing]" one's "vile life" is rich both for its narrative context as well as its suggested connection of sexual pleasure with reproductive choice. Abortion is deliberately implied here because, under the Code, it cannot be outright stated. The ambiguity of Mae's response—"I was there"—temporally opens up multiple possibilities: she was there at the club gambling, she was there in the club's bedroom to shoot Wilder, she was there at the hospital with her dying sister, but was she also there in an abortion clinic? Again, the prosecutor's use of "climax" imbues the entire accusation with a sense of sexual agency and activity that insinuates that Mae enjoyed her crimes—and is

even worse off for doing so. Thus, from the film's outset, we are given a fallen woman who stands accused of sexual and reproductive agency to a criminal degree.

Of the two abortions in *Gambling with Souls*, Carolyn's, while still never technically referred to as an abortion, is understandable as such, while Mae's is problematically implicit; I will look first at Carolyn's fatal abortion. Near the conclusion of *Gambling with Souls*, Mae beseeches the courtroom to take pity on her by describing how she did all she could to save her sister from descending into the underworld of crime, but her efficacy was seriously limited by Wilder, who had assigned a gunman to trail Mae. Eventually, Mae gets a lead on locating her sister when she "learn[s] from one of the girls a terrible thing had happened to Carolyn" and that Carolyn had been hospitalized. With a cut to a hospital room, we see little sister Carolyn lying listlessly on the bed. Out in the hallway, a nurse hands Dr. John Miller, Carolyn's brother-in-law and Mae's husband, Carolyn's chart. At this point, Carolyn is only identified as "Mary Smith," and John does not yet realize that it is Carolyn of whom he speaks. Upon consulting the patient's chart, John remarks, "That's pretty bad. Any doctor who would stoop to a thing like this is a disgrace to his profession." This is the first inclination the audience is given that Carolyn's hospitalization is due to a botched abortion. The central blame is initially placed upon the abortionist (as is also the case in *Where Are My Children?*), not upon the woman herself—or in the case of Carolyn, upon the teenaged girl herself. On the one hand, we might read this as a case of shooting the messenger, so to speak: of blaming the person or entity who provides the means to another's desired ends, even though those ends are illegal in 1936. And yet, it remains unclear what exactly is so disgraceful to John: a doctor performing an abortion at all, or a doctor performing an abortion so unsanitarily and carelessly that he ends up jeopardizing the life of his patient. Even when faced with a young woman who is dying from a botched abortion, it is



unclear exactly what the film's stance on abortion is. One might expect to hear John malign the practice entirely, but instead, all we meet with is a vague indictment that leaves reasonable room for trained and ethical abortionists to remain in the profession without disgrace.

Upon the nurse's insistence that John check in on "Mary," John enters the room and leans over the bed to grasp the girl's hand and check her pulse, does a double-take when he realizes the real identity of "Mary." When asked why she didn't tell John about her situation, Carolyn replies that she "couldn't," as she was "so ashamed." Just as John leans into a medium close up with Carolyn and entreats her to share what has happened, we cut to a simultaneous shot of Mae arriving outside the hospital room door, inquiring about her sister's whereabouts.

There is no abortion spectacle in this scene, but it is precisely the absence of spectacle that gives this scene its significance. Unlike the melodramatic abortion spectacles in *Leave Her to Heaven* and *Christopher Strong* that I will examine in Chapter 4, which are not only visually present but also extremely violent, *Gambling with Souls* erases all but the end result of death by botched abortion. We see Carolyn cavorting with Lucky Wilder at a seedy club two scenes before, and in the same scene Mae tries unsuccessfully to rescue Carolyn; we next see Carolyn on her hospital deathbed. What this leaves for the audience is a great deal of room wherein each viewer is forced to make the logical connections and fill in the gaps in the plot herself. We are left to assume that in the interim between the two scenes, Carolyn engaged in sexual intercourse with Wilder, became pregnant, realized she was pregnant, underwent an abortion, fell ill as a result, and was deposited at the hospital by an unidentified group of persons. (The nurse notes that "they" dropped Carolyn off the previous evening, yet the film never specifies who who "they" are.) There is much, however, that we either do not know, or at least do not know for sure, and there could be even more steps to that equation. For example, John assumes that the abortion

was performed by a derelict doctor, but the film never confirms nor denies his assumption. It is equally plausible, given the criminal crowd into which Carolyn has fallen, that her abortion could have been self-induced. We have seen this sex and gambling ring portrayed in detail throughout the film by Mae's association with it; from this portrayal, we know that Wilder and his crew do not care for the mental or physical well-being of the women they blackmail into sexual servitude. Given that Carolyn is lured into the crime ring like many girls and women before her, and given that they were allowed no preferential treatment, it stands to reason that Carolyn would not receive special treatment, either, and would have to take her abortion into her own hands. While John might have jumped to the conclusion that a derelict doctor was responsible for Carolyn's fatal abortion because he did not know that "Mary Smith" was really Carolyn when he made the comment and, thusly, did not know of her involvement with the crime syndicate, John's assumption absolves "Mary," at least unofficially, from responsibility for the abortion. It is worth wondering, however, if he would have had the same reaction to a girl who had an abortion but did not fall fatally ill because of it—but I will address Mae in a moment.

The details of Carolyn's mysterious abortion could have been cleared up by Carolyn herself; we witness both John and Mae separately asking the dying girl for the back story. Just as John asks Carolyn, however, we cut to the shot of Mae in the hallway looking for her sister. Whether Carolyn gave John any details and what those details were, the viewer never learns. What this suggests is that the film rides the contradictory line between education and sensationalism in this move to include abortion implicitly without really talking about it, without giving any explicit account of it, and certainly without showing it. In terms of censorship, this deliberate absence is crucial; it allows the film to get away with including a salacious topic without running the risk of state or municipal censorship, since the references are all implied and

most of the causal steps building to the result are omitted. One of the problems that this move raises, though, is that of viewer reaction. If one of the biggest fears on the part of censors is giving viewers presumably immoral ideas and inciting the real-life repetition of what is depicted on screen, we could understand on the one hand how a particular act could not possibly be imitated if it is simply not shown in the first place. On the other hand, however, leaving these causal gaps open for interpretation gives the viewer carte blanche to fill them in with whatever she sees fit. If the viewer assumes that a film's logical omissions were made because they were too salacious, inappropriate, immoral, and/or untoward to show or speak of in detail, then the film's censors run the risk of having the audience fill these logical gaps with ideas and images that are potentially much worse than what would have been shown, which in turn defeats the point of censorship in this respect.

These logical omissions also obscure the potential moral of the story, so to speak. In order to examine the import of this, however, we must consider this film specifically as a social problem exploitation film. The way in which the prosecutor cuts directly at Mae's sense of morality and categorizes her inherently with the criminals with whom she became associated, combined with Mae's hardened and disdainful reply, makes it seem at the beginning like this will be a typical crime story: the fast and illegal lifestyle of Mae, an underworld queenpin, finally catches up with her. These generic expectations are undermined, however, as the film continues, and we learn that Mae was herself was a victim lured out to her doom, to paraphrase the prosecutor. In this way, *Gambling with Souls* does not merely use the main plotline of an investigation to reconstruct the sub-plotline of the crime, as in a typical crime movie. This film relies heavily upon Mae's flashbacks in order to understand *why* she killed Wilder, not just *that* she killed Wilder, which ultimately makes this "fallen woman" the object of sympathy. If

anything, we notice a reversal of the more standard construction of the victim being revealed in the end as the criminal; here, Mae is presented as the criminal, and in the end is characterized predominantly as a victim, albeit a victim who reclaimed her agency and took revenge on the real criminal: Wilder.

Eventually, Mae tearfully confesses to Wilder's murder in the film's final scene—while flanked by the righteous husband who forgave her transgressions and took her back—citing as her motive, “he killed my sister; he deserved to be killed.” Even John comes to her defense: “She's accused of taking a human life when all she did was to exterminate a vile creature who was a menace to society. Surely she's suffered enough.” To John's entreaty, which cleverly turns the word “vile” from Mae and redirects it towards Lucky Wilder, the prosecutor remarks, “There's nothing I can do. I'm sorry, but [your guilt or innocence] will have to be decided by a judge and jury.”

What's noteworthy about these pleas is that while they are acknowledgements of guilt on Mae's part for Wilder's murder, they are not apologies. In fact, Mae even tempers her confession with, “I wish I could have done it [killed Wilder] a hundred times.” While this case brings up issues of morality more generally and effectively strikes at the heart of the tussle between justice and the law, I am most impressed by the primary reason for Mae's vengeful anger. Surprisingly, it's not identified as what Wilder did to her: trapped her in a sex ring; threatened to tell her husband how much money she owed if she didn't follow his orders; treated her with blatant disrespect and indecency. Rather, her justification for murder is “he killed my sister.”

In light of this justification, the blame for Carolyn's death does not lie with Carolyn nor even with the doctor who supposedly performed her abortion, but instead with the man who impregnated Carolyn. In this way, I read the true vileness of Wilder's crimes more as an affront

on women's reproductive agency than on women's erotic agency. This is crucial because unlike the didactic Hollywood contraception films of the late teens and the spectacular abortion melodramas, the woman here is absolved from guilt surrounding the violation of her reproductive sexuality—yet also relieved of agency. She has the agency to make a choice—to abort her fetus, to commit murder—but once the choice is made, her agency disappears.

Mae's abortion, however, is quite a different story. After reaching the point where she has left her home and is living in squalor at a night club as one of Wilder's call girls—for fear that her hardworking and morally upright husband would otherwise discover her secret—Mae has become haggard looking. Her hair, usually perfectly coiffed, is ratty and unkempt, and her lovely evening gowns and cocktail dresses have been cast aside for a simple black frock. Her gait appears lethargic, and she lists around uneasily. Mae stands in contrast with Wilder's other white slaves at the club (who may or may not be there for reasons similar to Mae's): at one point, a pert, vivacious blonde lures a country man into the back room area, where he is promptly pulled into a bedroom by three excited, energetic, and barely dressed women in lingerie and make-up. What accounts for Mae's lethargy? At one point, we hear Mae chatting and laughing drunkenly with a man from behind closed doors. Does she try to remain drunk so as to disengage from her present situation of forced prostitution? We have seen her drunk before—when she was blackmailed into sleeping with Million Dollar Taylor in order to convince him to lend her some money for her gambling debts. Maybe, perhaps, the weight of her recent actions has caught up with her and Mae's listlessness stems from shameful resignation to her present situation. Or maybe, perhaps, Mae acts in such a way because she is recovering from an abortion.

There is solid evidence to support this theory, and as I have mentioned, there are other plausible ways of explaining Mae's behavior. If Mae had an abortion, not only is it implied, but

it is implied even more vaguely that Carolyn's. There are, however, some factors to consider in support of this reading, and the first is Mae's behavior. A common trope of depicting women post-abortion is their carriage. When they leave the abortionist's, as we saw with Lillian in *Where Are My Children?*, they typically stumble about and cannot seem to maintain balance, which I would attribute to having recently undergone a medical procedure; Mae's stumbling lethargy could indicate that she recently had an abortion done. Furthermore, Mae receives information from another call girl about Carolyn's abortion and is quick to understand and act upon this information. She recounts this in court as such: "From one of the girls I learned a terrible thing had happened to Carolyn. She was in the hospital." Mae never tells us exactly what the other call girl said, and we don't know if Mae interpreted the exact phrase "terrible thing" as botched abortion, but by the time she is with Carolyn at the hospital, she has deduced that Wilder impregnated Carolyn, Carolyn's abortion went awry, and Carolyn's death is Wilder's fault. It is also not surprising that Mae gathers information about Carolyn from one of the girls in Wilder's circle, since we know that women "talked about their abortions and relied upon friends, relatives, or partners to help them carry out their abortion plans" (Reagan 21). Maybe one of the other women overheard or was able to deduce that Wilder's latest conquest was Mae's sister and sought Mae out to deliver this information; more likely, however, Mae overheard this information. From this set of scenes we learn a few things. Firstly, even though the film does imply that women talk about abortion, the fact that we do not learn how this happens or what it looks like—or really anything specific about it at all—does not speak much to historical accuracy. Furthermore, whether Mae had an abortion or not, it is clear that she understands what happened to Carolyn, and this understanding motivates Mae's murder of Wilder.

The trial-scene flashbacks function ostensibly to fill the audience in on the events that lead up to Wilder's murder, and the courtroom frame lends an objective air to Mae's story. We must remember, however, that this is still Mae's story and not an objective retelling by any stretch. The idea that Mae's testimony would provide some objective truth is also questionable given that as her narrative unfolds, we learn that she is a fallen woman—a character type that Lea Jacobs has examined at length: films focusing on female characters who, in short, make what society writ large would consider to be bad decisions (engage in premarital or extramarital sex, become too ambitious or greedy, fall prey to a life of crime or vice of some sort). As Lea Jacobs points out, fallen woman films (or “sex pictures”) drew quite a bit of negative attention from censors: “Like the gangster film with which it was sometimes compared, the fallen woman film served as a focal point for public criticism for the film industry. As a consequence of such criticism, it was targeted for regulation by the MPPDA” (x). Interestingly, though, the problems that censors had with the films were mostly framed in terms of narrative structure, and by embracing certain narrative forms and eschewing others, these problems could be avoided, for “[i]ndustry censors and producers treated proscribed ideas as problems of narrative and film form” (Jacobs x). They were “primarily concerned with the *structures* of narrative—the nature of endings, motivation of action, patterns of narration,” and this applies, to a certain extent, to the abortion exploitation films as well, as they could certainly be considered under the rubric of the fallen woman film (Jacobs 23, emphasis original). Even though exploitation films were not beholden to the Code in the ways that mainstream films were, and although exploitation films tried to hide beneath the mantle of education, they are, nonetheless, still largely narrative films. Speaking specifically about fallen woman films treating the female protagonist's class rise—

which, as we recall, is the reason Mae begins gambling in the first place—Jacobs notes the following:

[a] number of narrative strategies could delay or redirect the trajectory of class rise. Often films stressed the heroine's abasement or punishment rather than her acquisition of wealth. In some cases, the films used some form of narration such as voice-over, opening titles, or a character telling a story in flashback, all of which more or less ambiguously proposed criticisms of the fallen woman's sexual transgressions and her aspirations to wealth." (Jacobs 24)

While Jacobs does not specifically address *Gambling with Souls* in her study, the same narrative observation applies; at least on one level, Mae's flashbacks—even though they are *hers* and we are being told her version of the story—work to incriminate her, and she does, in her *ex post facto* narration, criticize her own actions and choices. As a part of the narrative as it is unfolding, she even warns Carolyn against privileging fine material possessions (clothes, jewelry, automobiles, nights out) over quality relationships (Mae's marriage to John).

The flashbacks from Mae's point of view do, however, also function as a means of demonstrating her thought process, rationale, and personal feelings about her ordeal. She is allowed, unchallenged by Wilder's—or any—competing narrative account, to show repentance for those actions she regrets (desiring great wealth and gambling in order to acquire it) and explain those she does not (shooting Wilder). Even as she incriminates herself and identifies her choices to gamble and lie as wrong and undesirable, however, she also unapologetically asserts and rationalizes her own agency.

Nonetheless, the question of Mae's fate remains—as does the real nature of her trial. For the sake of the plot's cardinal functions and cohesion, as well as the sake of the film to comply



with the Production Code, Mae must be tried, at least superficially, for murder, which is certainly illegal. But what of her potential abortion? What of the fact that her chief motive for murder was to avenge her sister who died from an illegal abortion? *Gambling With Souls* ends with the Millers being informed that Mae's fate "will have to be decided by a judge and jury." We do not know whether Mae will be found innocent or guilty. On the one hand, the ambiguous ending emphasizes the fact that good intentions for illegal deeds such as murder—even when there is a public benefit—do not inherently absolve the killer from a guilty verdict or a punishment, as John believes they should. But what I wish to argue is that murder is neither the only nor the most important issue here. The real stakes of Mae's trial and its unknown outcome have to do with reproductive agency—hers, Carolyn's, any woman's. Not only is abortion illegal in 1936, but the prescribed morality surrounding its representation dictates that more than being illegal, it is wrong, and those involved with its practice must be punished. Carolyn had an abortion, and her punishment, like Lillian's, was death. If we believe that Mae had an abortion and lived, there must be some other kind of punishment meted out to her. Furthermore, the film suggests that abortion is a crime that is connected to other crimes; just as other vices and crimes become connected to one another (gambling, alcoholism, sex, adultery, theft, deception, murder), the same goes for abortion. If Mae can't be tried directly for abortion, she can be tried for less taboo crimes that serve as a type of stand-in for that unspeakable crime; either way, Mae must meet with punishment for her agency. And yet, *Gambling With Souls* does not conclude with a guilty verdict. This move both places the responsibility for judgment upon the viewer (who has been put in a juror-like position throughout the film) and allows the possibility that perhaps Mae is not "guilty" in the sense that her reproductive "crime" is not a crime at all—a surprising contradictory option, given the film's heavy verbal and visual rhetoric against abortion as a

reproductive choice. Through the film's attempt to avoid censorship and thusly avoid any explicit mention of abortion, the possibility is created through the use of contradictory narratives for an audience member to come to her own moral conclusions.

Jack Townley's *Guilty Parents*, produced two years in earlier in 1934, has the same courtroom frame narrative and a similar (although not identical) ending, but a decidedly more didactic beginning. At its outset, *Guilty Parents* presents its audience with this introductory intertitle:

Foreword: sex ignorance, the black plague of adolescence, continues to augment the mass of innocent youth in the abyss of despair. Shouting from the mountain tops their battle cry of 'Save our boys and girls' and deliberately concealing from them the understanding of the mysteries of sex life, the foolhardiness of these bigots remains today, as in other days, one of the pitiful inconsistencies of life. Teach them, if you will, to shrink from sex truth, but know that they then must pay the inevitable penalty for sex ignorance. Youth, caught in the current of flaunted worldly independence, demands not restriction, *but instruction!* Heed, therefore, the folly of false modesty. Grant them their birth right—to *know the truth!*

At face value, this entreaty does not seem altogether different in function than the opening intertitles of the contraception and abortion films from the late 1910s. We learn that this picture is trying to present itself as social problem film that promotes the importance of sex education. We know from precedent that the film will likely present its argument by way of cautionary tale. References to those who deny their children legitimate information about sex as “bigots” and to their actions as “one of the pitiful inconsistencies of life” seem to indicate that

*Guilty Parents* espouses a progressive outlook and promotes the view that sex education for teenagers is a moral imperative if we value their well-being (and we *should* value their well-being). The way the mini-narrative is indicated, however, also suggests that this picture—and its cautionary, morally educational tale—will be somewhat sensational: “Teach them, if you will, to shrink from sex truth, but know that they then must pay the inevitable penalty for sex ignorance.” We are not told what the “inevitable penalty” is, but we also know that we will learn what is—and it most certainly cannot be good. Thus, *Guilty Parents* draws the viewer in with the promise of a titillating moral tale—that will, incidentally, offer no scientifically educational information about birth control or abortion whatsoever.

Promotional materials for this film only confuse the matter more. A poster for *Guilty Parents* bearing the image of an embracing and nearly horizontal couple at once announces that the film is “A TRUE TO LIFE STORY” conveying “Cold Bare Facts for the Broadminded Fathers and Mothers Today!” These prominent phrases suggest that the film may actually convey scientifically educational material that is realistically relevant to young adults, but these slogans are undermined by the phrases that appear near the bottom of the poster: “WARNING! ADULTS ONLY,” “NO ONE UNDER HIGH SCHOOL AGE ADMITTED,” and, perhaps most tellingly, “A MOMENT OF DELIRIOUS FREEDOM.” Particularly when combined with the intimate image of the couple, these secondary phrases suggest a tale of sex and scandal unfit for the curious and impressionable teenagers who most need accurate information about sex and protection. From the outset, *Guilty Parents* is fraught with the ostensibly conflicted purpose of the exploitation that Schaeffer describes: it is to be (morally) educational and sensational.

The story proper deals with Helen Mason, a teenager whose conservative mother refuses to allow Helen access to sex education materials (even going so far as to throw a pamphlet that

Helen brought home from school into the fireplace). Young, inquisitive, and sexually ignorant, the underage Helen attends a raucous college party where she gets drunk and proceeds to meet, have sex with, and become pregnant by a boy named Jimmy, with whom she later runs away from her home and unapproachable mother with the purpose of getting married. Shortly after they leave town, Jimmy is shot and killed at a gas station and Helen flees Ohio for an unnamed Big Apple-like city. If it intended to be a somewhat realistic cautionary tale, the film could have ended here. It's enough that a young, naïve girl must face pregnancy out of wedlock, cope with single motherhood, and find a way to confront her conservative mother. But this is just the beginning.

As pages from a calendar fall from March to May, indicating the passage of time, we learn that Helen has been staying for at least some period of that time at a place resembling a hospital. As she is shown exiting, she leaves baby clothes behind, and a low height shot depicts her stumbling away. The fact that we knew Helen was pregnant by Jimmy—hence their decision to elope—combined with the hospital, the abandoned baby clothes, and the telltale stumble indicate, as I contend, that Helen had an abortion. But even here, the ambiguity of this combination of tropes is argumentatively useful in so far as it promotes the idea of the film's contradictory narrative. The medical setting, while present in abortion films where abortion is unambiguous, could also signify miscarriage, as it does in other films from the 1930s and 1940s. Scarlett O'Hara (Vivien Leigh) in *Gone With the Wind* (1939) and Julie Adams (Irene Dunne) in *Penny Serenade* (1941) both experience unambiguous miscarriages in their respective films. Scarlett's miscarriage is precipitated by her fall down a flight of stairs, while Julie's results from the physical trauma she experiences when her house collapses on her during an earthquake. In both cases, however, the spectacles of miscarriage are immediately followed by shots of both

women in convalescing in bed—Scarlett at her home and Julie in a San Francisco hospital—with no shots of either woman in between. For *Guilty Parents*' Helen, the medical setting is present, which could suggest miscarriage of her and Jimmy's baby. The fact that *Guilty Parents* uses the medical setting trope, which has multiple signifiers, plays into the film's ability to present plausible deniability in the face of potential objectors that Helen's abortion occurred at all. However, since the trope of the stumbling gait is also present, I still contend that Helen did not miscarry but instead chose abortion. On this note, again, the film could have ended here and still effectively made its point about the importance of sex education. Alone and having just been through a trying personal and physical ordeal, a humbled and wizened Helen could have returned home and given her mother a fairly thorough guilt trip for her harmful opposition to sex education. Not only does the film continue, but at this point, it takes a dramatic turn from moderately tame cautionary tale to full-on exploitation picture.

After her abortion, the calendar temporally moves us forward again from June 11 to August 24. Helen is living with her new husband Billy, a hamburger cook, and has changed her name to Helen Wilson. Helen successfully auditions for a chorus girl job and, soon after, is running her own dancing school. In the meantime, Billy leaves Helen temporarily to pursue a career of his own. Not everything is coming up roses for Helen, however, when she learns that she is wanted in Ohio for Jimmy's murder. Al Brant, a man Helen thought was just a publicist, was inexplicably present at the time of the murder (which Helen did not commit) and blackmails Helen to send girls from her dancing school to Marie, a local madam who runs a brothel. As if this isn't enough, Al has designs on Helen's dancer friend Betty, who he rapes and impregnates one evening at a party after an inebriated Betty has passed out on the bed.

Betty's abortion, in contrast with Helen's, is far more dramatic and ultimately fatal. After the implied rape scene, Betty disappears for a few days in order to undergo an abortion procedure. As Betty is given anesthesia, a complex flashback series begins that depicts the chain of events that led Betty to her present situation: we revisit Al picking Betty up for the party, Betty drinking with Al on the couch, and Betty passed out on the bed right before Al rapes her. It is unclear whether the flashbacks belong to Betty, to Al, or to both. On the one hand, it would make sense for Betty to be thinking about how she ended up needing an abortion in the first place as she is about to have one performed, and this could serve as a some didactic moment, as it succinctly reviews the chain of causality leading up to the need for an abortion. This flashback montage could be a shared consciousness or belong to Al, however, because after the montage finishes, we return to Al waiting outside the abortion clinic—supposedly after tailing her there, since she appeared to go there alone. Al sits in his car, lights a cigarette, and looks up in what we assume is the direction of the abortion clinic, suggesting that his glance toward the clinic motivates the flashbacks and what he imagines Betty is thinking about—which perhaps is what Betty is also thinking about at the moment. We can understand why Betty might be reflecting on these prior events, but when we consider the third event in the series—Betty lying passed out on the bed—it seems clear that these memories are from Al's point of view, as Betty could not remember herself being asleep if she was asleep. Of course, the rape that follows is omitted from the flashback—just as it was omitted from the presentation of this sequence the first time around, but knowing what happens next in this series of events, combined with the knowledge that this is Al's flashback, lends a decidedly eerie feel to the scene, especially considering Betty's status as rape victim and the central role that Al plays in this subplot. In a way, Al's flashback montage

works to undermine the demonstration of the reproductive agency that Betty displays through her independent choice to have an abortion and terminate her pregnancy.

When Betty, fatally ill from her abortion, returns home to the apartment building where she lives with Helen, Betty's mother is there and immediately tries to help her dying daughter. In a dramatic death scene that echoes both *Where Are My Children?* and *Gambling With Souls*, Mrs. Wagner grips Betty, shakes her, and entreats her not to die, but to no avail. After Betty passes, the doctor who Mrs. Wagner had called to the house remarks, "I'd like to get my hands on the man that butchered that girl." Betty's abortion subplot links back up with Helen's travails when Helen returns to the building shortly after Betty has died. When Helen walks in, unaware of the events that just transpired, Mrs. Wagner accuses Helen of being responsible for Betty's death, screaming "Get Out!" in concert with Helen's screams of "Betty!" as she pushed Helen from the room.

As in *Gambling With Souls*, the blame for Betty's death is placed on anyone but Betty—the abortionist, Al Brant, even Helen. There are some complicated abortion politics happening in both films in terms of culpability, and we see the popular and prescribed narratives playing out simultaneously and contradictorily. The impulse to absolve from guilt the woman who sought out the abortion might seem like a move against vilifying what women of the time perceived as a right to choice: choosing abortion isn't morally wrong, but getting someone into a position where she has a reproductive choice is morally wrong, as is not giving that woman proper medical care. But as we saw in *Gambling With Souls*, this seemingly pro-choice move really works to strip agency from the woman in question. In *Gambling With Souls*, the abortionist and the lover were blamed for the woman's death, although, interestingly, not for her abortion outright. The film seems to suggest that had Carolyn lived, no blame would have been necessary, as the abortion

itself would not have been worthy of blame. Here, though, Helen catches some of the blame for Betty's death, which is a step further than *Gambling With Souls* dares to go. Perhaps this accusation comes from the somewhat benign fact that Betty only came into contact with Al through Helen. Or perhaps Mrs. Wagner's accusation hints at something more. Perhaps the "blame" can be removed from Betty (and from Carolyn) post mortem because, through dying, she has sufficiently been punished for her illegal and immoral act. Once dead, she cannot be punished further. Helen has not yet faced real punishment for her abortion earlier in the film—one which she lived through—and the result of her trial must provide that, one way or another.

Incensed at Betty's death, Helen immediately seeks out and fatally shoots Al, as Helen holds him responsible for Betty untimely demise. Incidentally, Helen's absent husband, Billy, has left the hamburger business for journalism and reappears for the real murder, as he has been sent to cover Helen's imminent arrest for Jimmy's murder. Even though she didn't kill Jimmy, Helen is going to be arrested and punished one way or another, and the presence of the additional crime of which she is innocent adds a level of absurdity to the witch-hunt for a woman with reproductive agency. Back in the courtroom, Helen's attorney makes a final argument for her acquittal that sounds, unsurprisingly, very much like John Miller's plea for Mae, but with a twist:

This girl exterminated a vile creature who preyed upon the virtue of children. The case of this unfortunate girl is an indictment against guilty parents. Against every mother in every land. Against you and you and you. There sits the real culprit. [Attorney indicates Helen's mother in a MCU profile.] That mother, clutching to her breast the victim of her own neglect. That mother, who too late was awakened to the responsibilities of parenthood, and now sits, a broken pathetic figure, clutching frantically to the child she has made an outcast. Ladies and Gentlemen,



are you going to leave this courtroom with this girl's blood upon your hands and consciences? Noooo. I thank you.

We are given the courtroom commentaries of the defense attorney throughout, and never hear the point of view of the prosecution. Another key difference is that Helen does not actively tell her story in the courtroom as Mae Miller does; her attorney tells it instead. Thus, the flashbacks, while still functioning similarly in *Guilty Parents*—simultaneously incriminating and justifying Helen's actions—have an added level of remove. It is not Helen's account directly, although it is from her perspective. That her story is told in flashbacks narrated by her attorney somewhat lessens the level of incrimination and also of justification also lessens the level of agency—but that's her attorney's point. His efforts to get Helen acquitted rest upon making her seem as victimized and powerless as possible. While he does begin his closing statement with the argument that Helen did society a favor by eliminating a rapist, blackmailer, and white slave trader, he cannot stop there, for such an argument places too much agency in Helen's hands.

Thus, he takes it one step further by placing the real blame for the murder of Al Brent—and, relatedly, Betty and Betty's fetus and Helen's fetus and probably Jimmy, too—on Helen's mother and her dangerous conviction that her daughter would be spoiled by knowing the facts about sex and reproduction. The medium close up profile shot of Mrs. Mason bears a strong resemblance to a mug shot, and the defense attorney's rhetoric regarding Helen (“unfortunate girl,” “victim,” “outcast,” “this girl's blood upon your hands and consciences”) and her mother (“culprit,” “neglect,” “too late was awakened to the responsibilities of parenthood,” “broken pathetic figure”) all but make parental guilt unquestionable. When we recall Helen's earlier entreaty to her mother as she burned the sex education pamphlet, “But mother, all the other girls seem to know about getting married and that sort of thing,” the film seems always to have had a

vested interest in the saving power of education to help a naïve young woman from becoming a fallen woman—a fallen woman who murders and has abortions. And the closing statement seems to work with the jury, which we see momentarily stalled at an 11 to 1 vote in favor of innocence, with the stragglng innocent vote looking likely.

Back in the courtroom, however, immediately before the delivery of the verdict, the suspense—or the guilt?—is too much for Helen, who screams, “Aaaaagh! I can’t take it!” before jumping out of a nearby window. Her jump is followed by a high angle shot of Helen’s lifeless corpse below as a crowd quickly gathers around the spectacle. Mostly likely, Helen would have been found innocent. The accusation of her mother was not a legal one, but a moral one, and had Helen but waited, mother and daughter could have left the courtroom together to rebuild a healthier relationship at home. *Guilty Parents* would have made its point that parents are responsible for acknowledging that their children need information about sex and reproduction and for providing that information. But that would not have been a fit punishment for Helen and her abortion crimes. If she wasn’t punished with death from her abortion, and she wasn’t punished by the law, then she must be punished in some other way: death by guilty conscience. If she’s guilty, she’s a villain because she has agency, and she must be punished. If she’s innocent, she’s a victim with no agency, which is in itself a type of punishment, although a less obvious one. Helen’s surprise suicide capitulates to both possibilities by rendering both impossible.

There is something morally ambiguous in the choice to establish protagonists that are at once criminal, yet also with whom the audience can identify. The ambiguous endings of *Guilty Parents* and *Gambling With Souls*, in particular, demonstrate, as I argue, the necessity of meting out punishment for reproductive agency while simultaneously hiding the legal crime of abortion

behind other legal crimes in an effort to bolster the prescribed morality regarding abortion and downplaying the popular morality. However, the attempts of these films to have it all, so to speak—to make the women like Mae Miller and Helen Mason at once victims and villains—only muddle the import of their punishments. And this indicates that, just as there was a supportive culture surrounding abortion at the time of its illegality stronger in many ways than the culture of abortion’s detractors, perhaps there could be an actual social message beneath the ostensible need to punish reproductive women that is highlighted by this very ambiguity of crime and punishment.

### ***Race Suicide and Unborn Souls: Investigating Abortion’s Morality***

We have seen how, in *Guilty Parents* and *Gambling With Souls*, the young women who die from their abortions are absolved from culpability, and that that culpability is instead transferred to the doctor who performed the procedure and to the woman’s lover. We have also seen what happens to the lover: both Al Brant and Lucky Wilder are tracked down and murdered. What we have not seen is what happens to the abortionist, and this line of inquiry is of chief interest to these next two films. S. Roy Luby’s *Race Suicide* (1937) and Del Frazier’s *Unborn Souls* (1939)—both of which postdate *Guilty Parents* and *Gambling With Souls*, constitute the other type of abortion exploitation film that is less reconstructive and judicial and more investigative. Narratively speaking, both of these films move away from the use of flashback and unfold more like an active investigation or police procedural. Like the first group of films, they try to approximate objectivity, although through showing simultaneous actions on different locations and not through flashback; however, they fail to attain objectivity in the same way by eliding the central acts that prompt the malpractice investigations: the abortions

themselves. The emphasis that these films place upon the criminality of at least the “bad” abortionists—although this illegality is explored in different ways—in turn places clearer emphasis on the illegal status of abortion than did the previous films. It also equates the abortionist to the lover in terms of both culpability and need to punishment. Yet, they do so in a way that erases, or at least downplays, the importance of the pregnant woman to the equation of abortion practice. Given that abortionists would not have work—and therefore would not be criminals—without these women, the choice to temper their importance makes these films more sensational than informative, and it muddles the pregnant woman’s sense of agency when it comes to reproductive choices.

The first film I’d like to consider, S. Roy Luby’s *Race Suicide* (1937), is, as the title suggests, eugenically tinged in a way that the other abortion films from the 1930s are not. This aspect, however, is downplayed, and the focus of the film that we infer from the intertitle foreword seems more along the lines of a crime exposé than a eugenic tirade: “The story of ‘RACE SUICIDE’ as depicted in this Real Life Drama is based upon facts gleaned from newspaper reports of the smashing of a well organized gang of illegal medical practitioners in one of our great American cities. The names used, however, are fictitious and any resemblance to the names of actual participants is entirely coincidental.” From this intertitle, the film seems to aspire to be a dramatization of real events—even though we are not told what those events are. There was a popular exposé that ran in the *Chicago Times* in 1888 that perhaps could serve as fodder, but that report would be nearly fifty years old by the time *Race Suicide* is released, and from Reagan’s account of this exposé, the network of abortion practitioners and health professionals outed by the investigation could hardly be referred to as a “well organized gang” (Reagan 47, *Suicide*). Furthermore, the only real place where eugenic concerns become apparent

is in the subplot involving Ann Martin, and even then, she is presented more as someone who should be considering birth control or abortion than someone who should, by eugenic logic, be having children.

*Race Suicide* begins by introducing a criminal abortion ring lead by Dr. Rudolph Von Hertsen. A dead girl's body is found in Von Hertsen's office, and despite the evidence suggesting Von Hertsen's involvement in her death (gloves, ether mask, bloodstained sheets) and a discrepancy in how long the girl had been dead, the police make no arrest. Great suspicion exists amongst the investigators and coroner, whose report reads that the girl "came to her death by a criminal operation performed by a person or persons unknown," indicating that the investigators have no solid evidence against Von Hertsen. The "criminal operation" to which the coroner refers, of course, is abortion, which, though never named as such, is again implied shortly thereafter when another doctor remarks, "they prey mostly on women who *should* have children. It is little short of race suicide...It's still our responsibility to protect these women if possible from the results of their own folly." The "they" referred to by the doctor are the "bad" abortionists (who are clearly set apart from doctors who perform safe abortions), and characterizing them as persons who "prey" upon women sets them up as the villains, while the women who need protection from "the results of their own folly" are clearly the victims. There is quite a bit that is yet ambiguous, even in these statements are merely exposition. Looking first at the victimized women who are clearly relieved of guilt (and therefore agency) for their abortion decisions, it is unclear what exactly is meant by their "folly" and its "results." Is their folly their sexual dalliances (without the use of contraception), and the result their pregnancies? Or is their folly seeking abortion as the answer, and the result death? Given the attitude against so-called "race suicide," I am inclined to think the latter; in either event, the film suggests that women are

not fit to be make reproductive decisions on their own and that women cannot effectively control their own desires, bodies, and reproductive capacities. This, in turn, could tell us something of the film's attitude toward abortion: if a woman can't control her reproductive sexuality and is prone to committing such "folly" as becoming pregnant or having an abortion, then perhaps abortion should be illegal and should be discouraged to prevent her from making further poor decisions. The implications of "folly" as a lighthearted act of foolishness downplays the seriousness of women's reproductive decisions and places the burden of guilt with he who performs the serious offense against reproduction: the abortionist.

Even when we know that the burden of reproductive responsibility lies with the abortion practitioner, it is unclear whether the film means to suggest that all abortionists are bad, or just those who provide abortions to women deemed by some authority as those who should be having children, or just those who perform abortions to profit off of vulnerable women (as opposed to those who, historically speaking, wished to help women terminate their pregnancies safely, if those women wished to do so). What we do know, however, is that *Race Suicide* emphasizes eugenic concerns, and that the doctor being investigated as a bad abortionist has a thick Slavic or otherwise Eastern European-sounding accent—a foreign accent. Thus, considering the 1924 Johnson-Reed Act, which was aimed at restricting the number of Southern and Eastern Europeans allowed to immigrate to the United States, we have a character who himself reads as a dysgenic threat due to his ethnicity. Thus, we see a combination of problematic details that form a chicken-or-egg type of scenario that is certainly not positive either way: either abortion is bad, and therefore the abortionist needs to be represented as ethnic in order to "read" as bad and render largely secretive abortions visible; or, Eastern European immigrants are bad and already represent race suicide, so they may as well be associated with abortion to help make the race

suicide point more obvious. Eugenics only otherwise registers in this film in one character, Ann Martin, who has had three abortions that purportedly fall under the rubric of race suicide; Ann is a working-class woman who is married to a gas station owner who wishes to be a father. By the standards of the films from the late teens, Ann would qualify as someone who should be practicing birth control, and the only reason that her abortions might be considered race suicide is because her *husband* wants children (although she does not, as her mother died in childbirth and she is terrified of pregnancy)—a line of reasoning that harkens back to *Where Are My Children?*. Beyond these cursory acknowledgements of eugenics and race suicide, the main focus of the film is vilifying bad abortion; rather than being a eugenic film, eugenics function primarily here to help characterize abortion as negative and harmful.

The test cases for showing Von Hertsen and his cohort's level of criminality involve Florence Davis, a working-class girl seeking an abortion after being impregnated by her boyfriend, who is also the son of her wealthy employer; and Lynn Morris, the daughter of Florence's employer, who helps with the investigation into Von Hertsen. The film becomes even more clearly exploitative when Ann Martin is asked to testify against Von Hertsen, Von Hertsen's gang goes to the gas station to kill Ann, but they accidentally kill Florence by mistake. Meanwhile, Lynn poses as a woman in need of an abortion in order to gather evidence on Von Hertsen (much like the real-life *Chicago Times* journalist), is discovered as a decoy, kidnapped, and threatened with death. The real investigators save her just in time, however, and Von Hertsen kills Dr. Randall (another bad abortionist who threatened Von Hertsen into working for him in exchange for his legal aid at the beginning of the film) instead and turns himself in.

Assumedly, Von Hertsen will receive some sort of legal punishment for his criminal activity, although perhaps of a lessened nature due to his eventual cooperation in busting his own

abortion crime ring. However, for a film that purports to be about the criminal nature of the abortionist and efforts to stop and punish his activity, those who are really punished instead are the women who undergo abortions: Ann must cope with the fact that her husband, previously unaware of her activities, now knows the truth about their childlessness (much like Richard Walton), and Florence is dead. The real problem of the film, so it seems, is that women *do* have reproductive agency—contrary to what the opening intertitle would suggest—and *do* choose abortion, and this problem trumps that of malpracticioners and seedy crime rings.

Malpracticioners like Von Hertsen are ultimately presented as problems with solutions, where as the problem of women wanting and having abortions does not seem to have an apparent solution. In this way, *Race Suicide* masquerades as a progressive film when, in fact, it has more to say about denying reproductive agency than it does about promoting abortion reform.

Del Frazier's *Unborn Souls* (1939), while not eugenically grounded, similarly treats the problem of the abortion crime ring. Unlike *Race Suicide*, *Unborn Souls* makes no pretense about being educational to any degree, and from its opening intertitles, it claims to treat the real problem of bad abortionists without connecting its content to any specific real case. Additionally, it obscures any sense of female reproductive agency and choice even more so than does the intertitle foreword to *Race Suicide*:

[...] Unfortunately, as in every walk of life, there are parasites in the profession who thrive upon the life blood of the unfortunate. Among these are the quacks who prey upon the frailties and fears of expectant mothers. These pseudo doctors under varying degrees of skill and cleanliness perform illegal operations and leave their victims with broken bodies and greater misery.



Holding no brief for or against the subject of dissimulation of information regarding birth control, this picture is dedicated to the men in and out of the profession who are doing their honest best to eradicate this evil.

Immediately, we notice a distinction similar to that established in *Race Suicide* between doctors who aim to help their patients and those who aim to harm them—or who, at least, do not care if they end up harming their patients. It is clear from phrases such as “parasites...who thrive upon...life blood,” “prey upon...expectant mothers,” and of course, “pseudo doctors [who] perform illegal operations” that the “quacks” being referred to are abortionists whose shoddy operation skills destroy lives. Again, however, we are given no real motive for these doctors’ choices to “prey upon” pregnant women, and are left to assume that it is not purely out of malice but for monetary gain (combined with apathy) that they do so. Additionally, *Unborn Souls* fails to specify whether any of those doctors working to “eradicate this evil” are safe and ethical abortion providers. Given that the bad doctors are the ones harming pregnant women and the good doctors are fighting to stop the actions of the bad ones, the film leaves little room in this characterization for any sense of reproductive agency on the part of the pregnant woman in question—or any reproductive women—especially considering that abortion is the issue at hand. Whereas reproductive agency and the capacity for choice was downplayed for women in *Race Suicide*, this agency and capacity for choice does not even exist in *Unborn Souls*. Through describing women as “unfortunate” and “victims,” combined with the fact that they are dealing with “quacks who prey upon the frailties and fears of expectant mothers,” the film leads the viewer to believe that no woman would even think of *choosing* abortion; rather, it is something that dastardly medical practitioners force upon women or scare them into thinking that they want.

The action in *Unborn Souls* begins with a conversation about birth control between District Attorney Thomas Maynard and one of the “good” doctors who helps save women who have undergone botched abortions. In this conversation, the doctor is trying to convince Maynard that something must be done about the unethical doctors described in the foreword, as well as that birth control information is not inherently harmful to young people. Maynard disagrees, arguing that giving birth control information to young people—young women in particular—allows them to be “just as promiscuous as they please.” The doctor counters, however, by asserting that “[i]f parents instill into their children the proper respect for the moral and social order, then birth control information cannot be detrimental to their behavior,” and brings Maynard along to witness a surgical attempt to save a young girl after a botched abortion. Maynard cannot stomach the surgical spectacle, and the girl cannot be saved. This opening sequence previews one of the plot conflicts to come: Maynard’s own daughter, Helen, becomes pregnant as a result of her ignorance about birth control, seeks out an abortion, and becomes embroiled in the very abortion crime ring that those on the side of the law wish to break up.

When Helen learns that she is pregnant, she does not tell her parents, but rather her friend Peggy Blackburn, a nurse. When Peggy asks Helen, “Have you done anything to prevent having a baby?,” Helen responds by bursting into tears, indicating that Helen obviously had not taken any precautions; given the position of her father on birth control education, Helen likely did not know what precautions were available nor how to go about protecting herself. Not desiring to carry through with her pregnancy, Helen seeks out an abortion practitioner, which introduces the audiences to two very different abortion providers. Doctor Russell Kent, the doctor who Helen visits, is an ethical doctor who primarily spends his time operating on women who need medical help after other doctors “bungled” the initial abortion procedure—doctors like Dr. Martin Paris,

who specializes in “women’s disorders.” We know that Kent must be a primary abortion provider in addition to being a doctor willing to help women with post-abortion health issues because he is the first doctor Helen approaches, and he is willing to help her. And yet, when another women comes into Kent’s office asking for birth control, his nurse informs her that “Dr. Kent is not that kind of doctor.” These conflicting pieces of information are important in so far as they further illustrate the film’s confused and ambiguous stance on safe abortions. Dr. Kent is a well-respected member of his community who is presented as the hero of the film for his efforts to bust Dr. Paris’ abortion crime ring and see Paris tried and convicted. Although Paris dies in a spectacular car crash and never stands trial, he still receives punishment for his crimes through his death. Paris is clearly portrayed as a doctor fitting the opening description of a vile abortionist who preys upon women, and his death reads as fitting punishments for his crimes. The film’s stance on Paris is clear. For Kent, however, the film’s stance is unclear, as is, similarly, Kent’s sense of what is allowable and what is not when it comes to women’s reproductive options.

It seems contradictory that Kent, for example, will perform abortions and lend medical aid to women post-abortion, yet is not “that kind of doctor” who will provides women with information on contraception when they seek it. As a medical professional who deals with the aftermath of botched abortions, one would think that Kent of all people would understand the importance of sharing his knowledge of contraception so as to theoretically prevent a woman’s need for abortion services. Furthermore, given that abortions are illegal and Kent nonetheless performs them, it does not make much sense for Kent to be leading the charge for Paris’ indictment, since he is assumedly performing the same illegal actions as Paris. And yet, placing someone like Kent—a good abortionist—in the position to lead the charge against someone like

Paris—a bad abortionist—is precisely what the film suggests in the opening intertitle. It would seem, then, as though the film promotes safe abortions performed by ethical health care providers in spite of their illegality. However, I would argue that the criminal subplot focuses the main attention of the film on thwarting the sensationalistically bad doctor’s criminal activities to the point that the positive and progressive moral message is lost along with any sense of women’s reproductive agency in the film.

Here is a brief synopsis of Dr. Paris’s additional criminal activities: when Paris is threatened by Mr. Givens, a patient’s husband, and informed that Givens will go to the authorities if anything happens to his wife, Paris has Givens murdered to keep him quiet. Eventually, Mrs. Mary Givens, who had previously been a supporter of Paris, finds out about her husband’s murder and learns that Paris is trying to frame Kent for malpractice. She ends up saving Kent’s reputation and sacrificing her own life to avenge her husband by getting Paris into her car and speeding off a cliff. As in *Guilty Parents* and *Gambling With Souls*, abortion is characterized as a crime that begets other crimes; however, the emphasis placed on the criminal murder aspects of the plot obscures abortion as the real issue even as these crimes are directly related to abortion.

Even the ending of the film, which recalls the conversation between Thomas Maynard and the doctor earlier on, obscures the issue of abortion. In the closing scene, Helen, who narrowly escaped being operated upon by Paris—and who may or may not have ultimately had an abortion—exclaims to Kent, “Oh doctor! Don’t forget that information about what every new bride should know!,” which suggests that promoting birth control education (amongst married women), along with foiling “bad” abortion providers, are the most important messages in the film. The birth control angle would at least be somewhat positive if any real information were

shared, but this is not the case. Furthermore, the birth control angle raises questions about the “goodness” of Kent, whose office refuses to provide such information, but this ambiguity is never addressed. Given the foci of the film, however, the discrepancies surrounding Kent are downplayed, and *Unborn Souls* not only ultimately confirms the morally ambiguous status of safe abortions, but indicates that this ambiguity is unimportant—or at least too complex and touchy a subject to address and investigate in any meaningful way. The film’s dedication to its contradictory narratives and their attendant ambiguity undercut the stated intent of the *Unborn Souls*—and, in a way, makes reproductive choice seem totally irrelevant.

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From these two types of crime films, we can see that just because abortion is a delicate subject, it is still important enough to engage with in filmic narrative despite—or perhaps because of—its polarizing and political nature. On the other hand, we can see these filmmakers struggle with how to represent and discuss a subject that perceive will face severe scrutiny. We also see two options for how to deal with female characters who wield reproductive agency: strip them of it, as in *Race Suicide* and *Unborn Souls*; or punish them for it, as in *Guilty Parents* and *Gambling With Souls*. As we move into the mainstream films of the 1930s and 1940s, the issue of abortion remains, but as I will examine in Chapter 4, new ways of dealing with the topic of abortion while adhering to the strictures of the Production Code emerge. While maintaining the trope of vilifying the woman with reproductive agency, as was introduced in the films from the 1910s and intensified in the abortion exploitation films of the 1930s, the classical melodramas of the 1940s achieve a new level of visually representing abortion that moves away from the

implicit signification of the deathbed representations we have seen thus far and helps abortion to read more readily as such without explicitly calling it by name. From the depiction of more easily representable crimes in the 1930s, we move toward attempts to represent the central crime of abortion itself through the abortion spectacle.

## CHAPTER 4

### **The Visible and the Violent: Classical Hollywood Melodrama and the Abortion Spectacle**

In the abortion scene from John M. Stahl's *Leave Her to Heaven* (1945), Ellen Berent (Gene Tierney), the anti-hero protagonist, stands poised at the top of a flight of stairs, contemplating the fall she is about to willingly take. Clad here in a floor-length light blue negligée and matching heeled slippers, no physical indication of her pregnancy is noticeable. At the top of the stairs, we see a close-up of Ellen's determined stare followed by a reverse shot of the staircase. The camera then cuts to an extreme close-up of Ellen's slip-on heels as she slides the toe of one shoe beneath a gap in the rug and gingerly removes her foot. This series of shot-reverse-shots draws out the deliberate moment and heightens the air of suspense and anxiety—especially for viewers who anticipate what is about to happen. The camera remains trained on the top of the stairs as Ellen disappears from view and falls, screaming, down the staircase, leaving the telltale slipper behind as evidence of the “accident.” We then cut to the foot of the stairs where Ellen's body lies motionless as her family members rush to her aid; as we learn from the doctor shortly thereafter, Ellen will make a full recovery, but the baby couldn't be saved.

In this climactic scene from John M. Stahl's domestic melodrama *Leave Her to Heaven*, Ellen decides to end her pregnancy and takes its termination into her hands. What is clearly an abortion—and what is recognized as such by censors<sup>81</sup>—is identified in the film as merely a miscarriage. Indeed, the implication or deliberate mislabeling of abortion is not new to the abortion melodrama of the 1930s and 1940s. One point of commonality amongst the abortion

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<sup>81</sup> See the letter from Joseph Breen to Col. Jason Joy, 12 December 1944.

melodrama, the reproductive social problem film, and the abortion exploitation film is that abortion is *implied*: explicit talk or depiction of abortion would cause these films to risk censorship under either the National Board of Censorship, state and municipal boards, or the Production Code, and thus, the use of implication is all that is left to filmmakers and production companies. The spectacular abortion domestic melodramas of the 1930s and 1940s that constitute a movement within the larger contraception/abortion genre are no exception to the rule of implication. As the output of major production studios MGM, RKO, and Twentieth Century-Fox, these melodramas are held to the standards of the Production Code and must necessarily deal in implication and innuendo in order to address topics such as birth control and abortion.<sup>82</sup> One crucial difference between this movements and the others, however, is that the melodrama only *implies* abortion *verbally* while it *obviously, visually, and viscerally* depicts the abortion or abortion-related surgery itself.

This chapter is built upon three fascinating and highly problematic films: Richard Boleslawski's *Men in White* (1934), Dorothy Arzner's *Christopher Strong* (1933), and John M. Stahl's *Leave Her to Heaven* (1945). Richard Boleslawski's *Men in White* (1934) stands as a transitional piece poised between the exploitation tradition and the spectacular melodrama. It features a different type of abortion spectacle than the other two films in this chapter. Clark Gable stars as Dr. George Ferguson, an idealistic young doctor who cheats on his fiancée (Myrna Loy) with Barbara (Elizabeth Allan), a nurse at his hospital. Barbara ends up pregnant as a result of the tryst, but instead of encountering the post-affair, post-abortion Barbara half-dead in a hospital bed (as we encounter Carolyn from *Gambling With Souls*, for example), we encounter

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<sup>82</sup> As mentioned earlier, those films produced in and after 1934 were held more strictly to the tenets of the Productions Code. Although the Code was introduced in 1930, its earnest enforcement did not begin until 1934. Additionally, these three films were all produced by major studios and were, therefore, subject to Production Code censorship.



her on the operating table as George is about attempt to save her after her botched abortion.

While there is still quite a bit of causal narrative elision in this film, it does recover one of the crucial pieces of the sex/pregnancy divide by depicting, instead of merely alluding to, the post-abortion operation.

While *Men in White* presents the post-abortion reproductive female body as spectacle during Barbara's surgery scene, *Christopher Strong* and *Leave Her to Heaven* make, for the first time, a spectacle of the act of abortion itself. Dorothy Arzner's *Christopher Strong* (1933) and John M. Stahl's *Leave Her to Heaven* (1945) up the ante in their successful attempts at depicting abortion by moving it out of the back alley and the hospital and making it violently spectacular and hidden in plain sight, as it were. In both films, we witness the female protagonists' acts of abortion as they occur: *Christopher Strong*'s Lady Cynthia Darrington (Katharine Hepburn) deliberately crashes her plane, and *Leave Her to Heaven*'s Ellen Berent throws herself down a flight of stairs. Although no one in either film uses the term "abortion," there is no doubt to Ellen, to Cynthia, nor to the viewer that abortions—albeit less conventional ones—are precisely what these women performed.

In this chapter, I explore exactly how these three films were able to negotiate censors' mandates in order to arrive at final versions that ultimately demonstrate that it is acceptable to talk about pregnancy but not to show it, and to show abortion but not to talk about it. The shift to the use of abortion spectacle, such as Ellen's, that I examine in this chapter marks a very distinct departure from the premium placed upon the didactic in reproductive social problem films—and even from the mere *trappings* of the didactic in abortion exploitation films. As a result, the 1930s-1940s abortion melodrama, with its dearth of educational content and its focus on female audiences and, uses abortion spectacle to forge a dialectical relationship between female

character psychology and choice as a social issue. In this way, *Men in White*, *Christopher Strong*, and *Leave Her to Heaven* stand as a set of abortion films that, through their spectacular displays of violence toward pregnant female bodies, move the contraception and abortion film away from even the pretense of scientific education and completely eschew any rhetoric of choice in favor of socially blind mainstream entertainment.

### **From Exploitation to Mainstream: Surgical Spectacle in *Men in White***

Unlike contemporaneous abortion exploitation films, Richard Boleslawski's *Men in White* (1934) harbors no pretensions at its outset toward being educational—scientifically, morally, or otherwise—nor is the plot initially set up to indicate that abortion will even be an issue. Generically, the film is a melodrama centered around its protagonist, Dr. George Ferguson (Clark Gable): George is a young, idealistic doctor who struggles to balance his time between his work at the hospital and his wealthy, vivacious socialite fiancée, Laura Hudson (Myrna Loy). With all of the sickness and despair surrounding him, the stalwart George would prefer to be at the hospital where he is needed than out with Laura. Although he privileges his work over his relationship, George is nonetheless presented as a character with a strong moral bearing through his commitment to his patients' well-being. Laura, although she loves and tries to support George, grows frustrated with making solo social appearances and use guilt to persuade George to spend more time with her, which only seems to push George further away.

Enter Nurse Barbara Denham (Elizabeth Allan): the female version of George. Similarly idealistic and committed to her patients, Barbara quickly falls for George; after a particularly hard day at work for George and a social brush-off from Laura for the evening, George and Barbara find themselves alone in George's office under the pretext of George loaning Barbara

some medical notes for one of her upcoming exams. Notes are exchanged, but Barbara must linger a few minutes, lest she get discovered in the doctor's office by her head nurse who happens to be right outside George's office door. Bonding instantly over their concern for humanity and their loneliness, the two share a kiss. George immediately apologizes, tells Barbara that it's safe to leave the office and encourages her to do so, and heads off to check on his patients. Barbara does not immediately leave, however—instead, she walks over to the office window where George stood minutes earlier, and we are given a medium shot of Barbara, bathed in the stripes of moonlight filtered through the window blinds, as she contemplates whether to stay or to exit. She leaves the window and heads for the door, but stops before exiting, sits down on the office bed, and takes off her nurse's hat as George's still-burning cigarette emits a trail of smoke from the ashtray near the bed. The next we see of Barbara, she is severely ill after a botched abortion attempt. George takes it upon himself to treat her, and the spectacle of Barbara's surgery follows. Despite George's best efforts, Barbara dies in a hospital bed shortly after her surgery.

But how do we get from one kiss to an abortion gone wrong? As is typical of the contraception and abortion film, *Men in White* elides many causal steps between George and Barbara's kiss and Barbara's post-abortion hospitalization. Barbara's decision to stay in George's office implies that she desires more than just a kiss, as the film suggests with Barbara's removal of her hat and with the smoking cigarette that stands in for the smoldering desire between George and Barbara (and which also perhaps foreshadows a post-coital cigarette to come). When Barbara turns up at the hospital later, the audience learns retroactively that she and George must have engaged in intercourse and that he is responsible for her pregnancy. This type of causal narrative compression certainly recalls the problems attendant in educational narrative

contraception and abortion films of the 1910s, their scientific counterparts from the 1920s, and their exploitation counterparts from the 1930s: how could women possibly learn anything accurate about sex and its potential consequences when filmic narratives jump from ostensibly benign acts such as kissing, taking a promenade in a garden, or going out to a party, straight to severe consequences such as pregnancy or death from abortion?

I contend that audience members couldn't learn anything useful or factual from these gross causal elisions. But unlike the other films in this study, which made more or less of a claim to actually be educational, *Men in White* is not attempting to educate women about contraception, safe sex, or safe abortions. Although causal elisions have plagued the contraception/abortion film since the transitional era and the beginnings of the classical Hollywood narrative, the melodramas of the 1930s and 1940s mark a serious decline in the presentation of choice as contrasted with the social problem films—and even the exploitation films—discussed earlier.

In *Men in White*, George's affair with Barbara and her eventual abortion function to fuel the flames of melodrama: what will happen when a caring doctor cheats on his fiancée, impregnates another woman, and then is faced with the task of saving her life? Will he take responsibility for his actions? Will his fiancée take him back? Will he uphold his Hippocratic oath and do all he can—or more—for his mistress, even if it means losing his fiancée? As I will elaborate, these questions actually draw abortion out from behind the shadows in a way that does not involve accusations, murders, or courtrooms, and that can, in some ways, be seen as a positive in the representation of reproductive agency. Overall, however, this small gain is overshadowed by the punishment of women who choose abortion. As Stanley Cavell observes in *Contesting Tears*, the melodramas of the unknown woman—and, I would add, abortion

melodramas—“are among those films known to our culture, from the time of their making until the present, as ‘women’s films’ or ‘tearjerkers’” that are “treated as works to be somewhat condescended to” (“Contesting” 7). I wish to play for a moment on Cavell’s phrase, “condescended to.” Cavell identifies condescension as felt by scholars toward these films; he takes issue with this scholarly stance, as he valorizes the melodramas in his study as worthwhile. I would like to use the idea of condescension a little differently, in so far that I argue the abortion melodrama condescends to its female audience—the very audience, as Cavell reminds us, to whom these films are targeted. In this way, condescension aids the films in this chapter in their erasure of education and choice by depicting reproductively liberated women and then violently punishing them. These questions take precedence over questions about the nature of Barbara’s abortion and emphasize the film’s melodramatic nature over any educational message or aim. In this way, these abortion melodramas void the films of any progressive political message or message of choice.

Furthermore, even though causal elisions have been made in the case of Barbara, there are nonetheless more pieces of the puzzle filled in here than typically have been supplied in any of the previous contraception/abortion films, with the exception of the circumstances of Betty’s pregnancy in *Guilty Parents*. In *Guilty Parents*, we are very clearly shown Al bringing a drunken and unconscious Betty into the bedroom; the next we know of Betty, she is missing and eventually shows up at the abortionist’s office, which we know because Al has tailed her there. We are never explicitly told that Al raped Betty, but we are given more innuendo in their situation than would otherwise exist from simply showing the two flirting, followed by Betty turning up pregnant (as we see with Lillian from *Where Are My Children?* and Carolyn from *Gambling With Souls*, amongst others).

With Barbara and George, too, we are given an extra link in the causal chain beyond the wide-eyed admiration Barbara shows for George when treating a young diabetic patient together or the kiss shared in George's office. *Men in White* clearly depicts Barbara's struggle between squashing any potential for a sexual liaison by leaving George's office and making it clear that she desires a sexual liaison by staying; it also clearly presents Barbara's ultimate choice to remain and begin undressing (as indicated tacitly by the removal of her nurse's hat). Through these representations of struggle and choice, *Men in White* simplifies the guessing game that viewers must play as they try to deduce whether, in the near future, Barbara and George will sleep together or, retrospectively, whether or not they have slept together—an affirmation of which would potentially link that sexual act with Barbara's pregnancy. Even though the causal link between kissing and pregnancy/abortion is made comparatively clearer in *Men in White*, it still remains enough of an implication so as to avoid transgressing the Code's stance on adultery, found in Section II—Sex: “*Adultery*, sometimes necessary plot material, must not be explicitly treated, or justified, or presented attractively” (Qtd. in Leff and Simmons 287). I am making a loose reading of “adultery” here, for while George is not technically married, he is engaged to be married and is publicly known to be in a serious and monogamous relationship with Laura Hudson. But even as the rules for depicting seduction more generally go, the scene still passes: “[seduction] should never be more than suggested, and only when essential for the plot, and even then never shown by explicit method” (Qtd. in Leff and Simmons 288). Whether Barbara and George's tryst qualifies as adultery or seduction, it is not explicitly shown, and, as we see later in the film, not justified (Barbara and George both apologize to Laura) or made to seem attractive (Barbara dies).

As I mentioned, the next time we see Barbara after she has sex with George, she is at the hospital as a patient suffering from a medical procedure gone wrong. At this point, the viewer must work backwards to deduce not only that George and Barbara indeed had sex in the a previous scene, *but also* that Barbara become pregnant as a result *and* that the illness she currently suffers is from a botched abortion attempt. None of these plot points are outright stated—a move that further codes abortion through implication and places the onus on the audience to read abortion into the film. The audience is given a set of clues as the film progresses that help in the process of decoding the film’s earlier events. One such clue is the first conversation about Barbara’s condition, which is exchanged between George and one of Barbara’s fellow nurses. The nurse tells George that even though Barbara has been asking for him, he cannot go in to see her because, “[s]he’s quiet now. If you go in there she might start talking. You wouldn’t want that, would you?” Here, the nurse implies that the affair has been kept a secret and its result—Barbara’s pregnancy and abortion—have been kept a secret even from George, who we have cause to believe to be the other responsible party, as he is the only man with whom Barbara has even implicitly had intercourse. Furthermore, the nurse’s threatening tone suggests that George may want to keep the truth behind Barbara’s condition a secret or risk losing Laura and perhaps damage his reputation. The string of questions that comprise George’s response betrays a gamut of emotions ranging from shock and confusion to support, concern, and responsibility: “Why didn’t she come to me? Why didn’t she tell me? Why did she keep away?” The nurse takes responsibility for Barbara’s decision to leave George out of the situation by explaining, “It’s my fault. I told her that you were in love with someone else and

engaged to be married, to keep away from you,” and keep away Barbara did—until, that is, medical attention became necessary.<sup>83</sup>

The nurse upholds her dedication to protecting Barbara’s and George’s secret, at least immediately thereafter when discussing Barbara’s case with George’s superior and mentor, Dr. Hochberg. After explaining to Dr. Hochberg that Barbara has no relatives to notify, he asks, “And a man who...does she realize what’s happened?,” to which the nurse replies, “I suppose so.” When Hochberg inquires as to the identity of the man involved, the nurse maintains, “I don’t know.” Even when discussing what has become obvious for the audience—Barbara had sex, became pregnant, and had an abortion—implication remains the rule of the day. There is a certain level of condescension in Hochberg’s query of “does she realize what’s happened?,” suggesting that Barbara, a nursing student and member of the medical profession, does not understand that sex may lead to pregnancy and that an improperly performed abortion may lead to infection, illness and even death. Yet, his question also serves as a key meta-question for the audience: does *the viewer* realize what’s happened? Has the viewer been able to follow the chain of implicit events and deduce that Barbara and George slept together, that George impregnated her, and that a secret botched abortion has landed the now fever-ridden and delirious Barbara in the hospital? Hochberg’s question provides a moment of reflection for the viewer to process recently acquired information and fill in any gaps in the causal chain before the plot moves forward and we encounter the film’s surgical spectacle.

It is also crucial to note from these conversations that no blame for Barbara’s abortion-related condition is placed on any one individual: not Barbara, not George, not the unnamed doctor who performed her abortion—a move that differs significantly from both the films that

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<sup>83</sup> Barbara’s initial ignorance about George’s relationship also functions to clear her of any adultery accusations.



precede it in this study as well as from those others that I examine in this chapter. If any blame is assigned for Barbara's illness and eventual, unavoidable death, it is assigned to the limitations of current medical science. At various points in the film, Both George and Dr. Hochberg bemoan the fact that even with obvious and marked improvements in medical diagnosis and treatment, there is still so much left unknown and so many patients that they are incapable of saving. Barbara falls into this category of casualties that result from medicine's current limitations; if only medical science could provide them with more treatment options, then Barbara—and women like her who need post-abortion care—could have been saved.

This particular instance in the film is progressive. I contend that through the film's removal of the possibility of blame from any human agent, this new perspective places emphasis upon the importance of what should be medicine's ability to save more women from complications, such as infection, that often result from unhygienic and poorly performed abortions. Additionally, this perspective also seems to refrain from judgment regarding Barbara's decision to keep her pregnancy from George and to carry through with an abortion. In this way, at least, *Men in White* seems to limit the ambiguity surrounding its stance on abortion in a way that most other contraception and abortion films within the parameters of this study do not: *Men in White* blames neither the woman, nor the man who impregnated her, nor the abortionist. In this way, the film suggests that the taboo nature of abortion and instances of its shoddy administration are the problem—not abortion itself as a choice.

Such an anomalously progressive view in mainstream entertainment cinema is undercut, or at least mitigated, however, by the facts that Barbara is ultimately still punished with death and that her post-abortion surgery—and her reproductive body—become the fodder for violent bodily spectacle in *Men in White's* surgical scene. Thus, in spite of this progressive aspect, *Men*

*in White* as a whole does not live up to its potential to differentiate itself as a film that could advance choice. The operating scene that follows the nurse's exchanges with George and Dr. Hochberg provides more context with which the audience can reconstruct that which happened earlier. This scene begins with a close up of nurses' hands pulling sterilized gowns out of a steam chamber and lowering the operating table, which is followed by procedural shots of various characters preparing for surgery: doctors scrubbing their hands and arms and rinsing them in basins, nurses clothing the doctors and each other in sterilized gloves and gowns before placing sterilized equipment on trays. For all of the time that the film spends lamenting the limitations of modern medical science (and it does this quite frequently), it also makes good on opportunities such as this to display improvements and advancements in medical facilities and procedures. Although never stated, the surgical preparatory procedural shots, at least on one level, convey to the viewer how much safer an abortion would be at a clean, modern hospital, as opposed to in a clinic of the type depicted in the educational and exploitation contraception/abortion films or in one's home. Even though George—who, with Dr. Hochberg, performs Barbara's operation—cannot guarantee a positive outcome for Barbara, he nonetheless feels confidence in his skill as a surgeon (even if not in medical technology) when he responds to Barbara's pre-operation query of "What are they going to do to me?" by assuring her that "[t]here's nothing to be afraid of" as he promises to remain by her side throughout the surgical procedure.

After this exchange—filled with close ups and medium close ups that increase the dramatic effect of pre-operation preparations—the camera height, angle, and placement changes dramatically. Instead of the close shots and cinematographic continuity that the film has maintained up until this point, the operation scene cuts to an aerial shot looking straight downward from what appears to be a large round ceiling window. Soon, the film reveals that this

window only forms the ceiling of the operating room and not the hospital itself: it is a viewing window, and around it are 14 chairs where spectators, likely other doctors, are seated. Below in the operating room, we can see through this large viewing area an empty surgical bed meant for Barbara, as well as several medical professionals milling about.

As Barbara is wheeled into view, the shot cuts back to the operating room and Barbara is moved from her bed to the operating table. Nurses then begin to prepare her for surgery. At first, they are staged in a way that blocks her abdomen—the surgical site—but when they step away, Barbara’s mid-section is revealed for a few seconds; just as a nurse begins to apply ointment to Barbara’s abdomen, another nurse conveniently wheels a large lamp into the shot that effectively blots out the surgical site. Immediately after, however, the scene cuts to the same aerial shot as was used moments before, only this time we can see (although not in great detail) Barbara and her uncovered midriff on the operating table below. A cut back to the operating room returns us to Barbara and the lamp obstruction, but the following shot from the operating room floor upward reveals over one dozen spectators above who are primed to observe the surgery. The visual analogy that this shot creates between the intra-filmic and extra-filmic viewer functions to both connect and disconnect the two in a way that heightens the effect of Barbara’s reproductive bodily spectacle.

Right before Barbara is given anesthesia, she says to George in a close-up that begins with just Barbara in the shot but ends with the couple together, “George, darling. I loved you. I don’t care.” Laura, who, at Hochberg’s suggestion, waits in the operating room to observe the surgery (he wants her to have a better idea of what George does so that she will stop hounding George about spending too much time at the hospital), overhears Barbara’s confession of love, and judging from the tears that well up in her eyes, realizes George and Barbara’s affair. The

surgical spectacle continues with a shot/reverse shot sequence between a close up of Barbara and and close up of the machine that regulates her anesthesia. This is followed by another shot from the operating room floor upward, again from Barbara's point of view; we can tell even more clearly now that we are seeing the spectators from Barbara's perspective because the image begins to blur as Barbara loses consciousness from the anesthesia. The faces above stare down at her through the viewing window. Once the anesthesia has taken effect, the surgery begins: Dr. Hochberg asks for a scalpel and begins the incision. Although we are not shown the actual incision site once the operation is in progress, we can clearly see intimidating surgical tools. The operation scene continues in this manner for over a minute, during which Laura, weak from some combination of the news she just received and the sight of the surgery, faints.

The film never clarifies why the crowd has gathered to observe Barbara's surgical procedure, and this is thus left open to audience interpretation. It is possible that, with such a high-tech and elaborate-looking viewing set-up, that it is common practice for other doctors, nurses, and students in the hospital to view surgeries as their schedules allow. It is also possible that, given George's good reputation as a humanitarian and up-and-coming medical scholar and practitioner, we are witnessing a version of the star system in practice<sup>84</sup>: just as fans of Clark Gable in 1934 will see a film that features him, so too will fans of Dr. George Ferguson flock to witness him perform a surgical procedure.<sup>85</sup>

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<sup>84</sup> For differing takes on the emergence and prominence of the star system in Hollywood, see Richard Dyer's foundational *Stars* (1979) and Paul McDonald's *The Star System: Hollywood's Production of Popular Identities* (2000). While Dyer focuses more on the production and circulation of actors' images, McDonald instead "combine[s] an understanding of industry and image" (2).

<sup>85</sup> Gable had gained popularity as an actor well before his award-winning role as Rhett Butler in Victor Fleming's 1939 classic *Gone with the Wind*. He was signed by MGM in 1930, and with the help of starring opposite leading ladies like Norma Shearer, Carole Lombard, and Joan

There could, however, be other explanations for the crowd that have less to do with George's medical prowess and more to do with Barbara. Firstly, even though the nurse I discussed earlier claims to have kept Barbara and George's affair a secret, perhaps she—or someone else who knew the truth, such as Barbara, George, Dr. Hochberg, or another staff member who overheard the news—could have spread the rumor that George is operating on his mistress who, because of him, became pregnant and had a botched abortion. In this case, the crowd, interested in the scandal surrounding the ingénue nursing student and the morally upright and engaged doctor, may have flocked to the surgery for the sake of gossip. Alternatively, though, given how difficult the doctors anticipate saving Barbara will be and given the technological limitations on their abilities, it seems plausible that other medical professionals would want to witness what they hope will be a successful, life-saving post-abortion operation. Whatever the reason (or reasons) might be, this much is sure: the display of Barbara's partially exposed reproductive body makes her both an erotic *and* a reproductive female bodily spectacle. The men and women gathered around to watch the surgical show—some clearly identifiable as doctors and nurses, some dressed in formal non-medical garb—are there to witness a bloody bodily female spectacle as the surgeons cut open Barbara's abdomen.

The one progressive aspect of Boleslawski's use of spectacle here that does not happen in *Christopher Strong* or *Leave Her to Heaven* is that Barbara, while the objectified focus of the gaze of viewers both inside and outside of *Men in White*, can, at least until the anesthesia takes effect, look back at her viewers within the film. Even while lying supine on the operating table, Barbara is able to look up at the crowd gathered for her surgery and remind them, even if

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Crawford, he was already quite popular by the time he starred in *Men in White*. According to biographer Chrystopher J. Spicer, "By the end of 1931 Clark Gable was a star...In one year he laid the foundation for the next thirty years of his career" (68).

momentarily, that she is a person with agency and not just a medical subject or a statistic. Given the nature of her surgery, this act of looking back takes on even greater significance: it asserts that Barbara is also a person and not just a statistic in terms of women who choose abortion—and that women *do* choose abortion, as Reagan’s research has shown. Furthermore, it reminds the various audiences that Barbara is a woman with both erotic *and* reproductive agency, as opposed to just being a passive object for others to look at and project their desires onto. Representing Barbara during the surgical scene as a woman with both reproductive and erotic agency recalls her earlier sex scene that led to her pregnancy which helped to link desire, sex, and pregnancy. It also provides an example of a woman who, despite complications, is comfortable with this holistic identity, as evidenced by her public confession of love to George: “I loved you. I don’t care.” With this confession, Barbara suggests that she does not currently need to love or be in love with George in order to be accept her own sexualities; her assertion of “I don’t care” informs us that she does not regret her erotic or reproductive choices. It also shows how, despite Hollywood’s and the film’s attempts to divorce the erotic and the reproductive, Barbara does not see her erotic and reproductive sexualities as separate entities.

However, even as the surgery scene uses a double-audience construct to allow Barbara to gaze back, her agency is undercut by the presentation of her reproductive body as spectacle. This scene also makes *Men in White* a noteworthy film to consider in terms of censorship, as the Production Code explicitly prohibits “[s]urgical operations,” as specified in Section XII—Repellent Subjects (Leff and Simmons 289-290). However, the Code gives no further detail regarding type of surgery, circumstances of surgery, or precisely how much or what details of the surgery may be shown. I would argue that this surgical scene is passable under the Code because we the viewers do not see any of the gory details: incisions, blood, organs, etc. We still,

however, see more than we do in most other abortion and contraception films: the operating room, surgical instruments, exposed flesh, the preparatory procedures.<sup>86</sup> Furthermore, although our viewing of the operation is restricted by creative *mise-en-scene*, the audience *within the film*'s vision is not restricted at all. Those gathered to view Barbara's operation can see what we don't, and they assumedly go on watching the surgery long after the scene has ended for the extra-filmic viewer. The surgical scene works to simultaneously conflate and distinguish the perspective of the intra-filmic and the extra-filmic audiences, relying upon an imaginative connection between the two to supplement what is obscured for the extra-filmic audience. In this way, Boleslawski is able to include the details of surgery and display female bodily spectacle without attracting criticism from censors.

Ultimately, there is no happy ending for even the woman who accepts both aspects of her sexuality—even when the film deliberately toys with the possibility of a classical Hollywood ending for Barbara. The day after Barbara's surgery, George and Dr. Hochberg are out to dinner when a very somber but determined George announces, “[w]hen [Barbara] gets out [of the hospital], I’m going to marry her if she’ll have me.” Hochberg, as usual, tries to promote more work as the answer to George's dilemma, but George persists: “Dr. Hochberg, you don't know what this Denham girl's up against. It isn't as though she's just a...[pause]...she's a fine, sensitive girl. She'll have nowhere to go and no one to turn to unless...[pause]...well, I'm going to marry her.” Dr. Hochberg seems amenable to this idea until George announces that he's “going into practice” and leaving the research hospital. A few scenes later, George makes it clear that he doesn't intend to marry Barbara because he loves her, but because it is the right and decent thing to do—even if he does have to sacrifice the woman he loves (who he ultimately

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<sup>86</sup> Crane Wilbur's 1934 *Tomorrow's Children* caught a good deal of criticism, however, for its surgical scene.

sacrifices for his career anyway) and his medical career. What follows is the heated exchange George has with Laura about his decision to marry Barbara:

Laura: And now you say you're going to marry a girl you don't care about? You're going to let a casual incident rob you of all the things you think are important?

George: It's not a casual incident anymore, Laura.

Laura: All right. Go ahead. Make your beautiful gesture. Marry her.

George: I'm going to.

Laura: Just because it's the easiest way out. Because you're afraid of what people will say about you. You're a coward! You haven't any backbone!

George: I had no backbone when I let myself be talked out of a chance to work with Hochberg! I'm not doing this because I care what anybody says or thinks. I'm doing it because this girl's life is smashed! And I'm going to help her to try and pick up the pieces and put them together again!

These conversations carry at least the possibility for a somewhat progressive ending wherein Barbara is saved from vilification and punishment. George's determination to stick with Barbara—even though there is no longer the promise of a baby—certainly marks a departure from earlier contraception and abortion films where the man responsible for the woman's pregnancy wants nothing to do with the woman once he realizes that she is pregnant and/or has had an abortion. George acts in a seemingly selfless way by deciding to leave the hospital—and even medicine, if need be—in order to provide for his wife. He is extremely respectful toward and complimentary of Barbara, and he clearly has a high opinion of her as an individual. Beneath all of this, however, lies a different masculinist agenda from those we have previously seen.



While the men responsible for pregnancies in earlier contraception and abortion films abandon their lovers because they can, because it seems like the easy way out, and because they believe that women can simply be used for sex and then discarded, George's masculinist assumptions work along different lines. George does not love Barbara, but he is willing to marry her for a few problematic reasons. Firstly, seeks marriage because Barbara *is* "a fine, sensitive girl," and because of what she *isn't*. George doesn't finish the sentence detailing what Barbara is not: "It isn't as though she's just a...[pause]". "Just a" what? Fling? Slut? Tramp? What George *doesn't* call Barbara is the norm; Barbara, he believes, is the exception to that norm because she is "fine" and "sensitive." Secondly, even though Barbara worked at the hospital in the first place because she was a nursing student, George wants to be with her because he believes that she is incapable of coming back from her ordeal and making a life for herself—more pertinently, she is incapable of doing so without a man's help. He believes that she will need financial and social assistance that she cannot procure on her own. Lastly, Laura is right when she angrily informs George that he's marrying Barbara because "...it's the easiest way out. Because you're afraid of what people will say about you. You're a coward! You haven't any backbone!" George's reputation as a humanitarian doctor would certainly take a beating if people who formerly admired him were to discover that he cheated on his fiancée, impregnated his mistress who nearly died from a botched abortion, and then refused to marry the girl whose life he ruined. George, Dr. Hochberg, and the hospital rely upon George's good reputation, and he would become a disappointment and embarrassment if he were to shun Barbara after all she had been through. Given all of George's intermittent doubts throughout the film about the worth of practicing medicine if he can't save everyone—"What good is it all? Why go on? We don't

know anything—we're only groping!"—, it would prove his doubts right if he couldn't "save" Barbara by rescuing her reputation and providing her with a good life.

Here I would like to bring a key element of Ben Singer's understanding of melodrama. As Singer explores in *Melodrama and Modernity*, melodrama is a reflection of the anxieties produced by modernity and modernization. Of classical melodrama, he argues that "[b]y maintaining the protagonist's dramatic powerlessness, melodrama was able to function as a parable of modern anxiety" (Singer 137). Specifically, Singer examines the modern(ist) anxieties of technology and capitalism, but here I wish to extend the list of anxieties to maintaining reproductive control of women. Ostensibly, George is upset because he could not save Barbara, his patient. But more so, I read George's melodramatic anxiety that stems from powerlessness as the result of his inability to control Barbara's sense of reproductive agency.

Ultimately, Barbara is stripped of agency—but not in the manner common to other abortion/birth control films, and not in an obvious manner, either. Despite George's fine intentions to save Barbara—both physically and socially—these intentions need not ever be realized, for Barbara dies with George at her side in a deathbed scene much like we have seen in several earlier contraception and abortion films. One could argue that her agency remains intact, as Barbara never apologizes for her actions—not to George in the operating room and not to Laura on her deathbed—which asserts over and over again her own sense of choice. Even despite the absolution of Barbara's guilt that the film purports—absolution which typically harms a woman's sense of agency—Barbara's agency is not lost because the blame is not shifted to another person, but rather to the failings of medical science; in this sense, I would argue that she maintains agency in this transferral because Barbara is a nurse at a research hospital and therefore indirectly helps to advance medical science. Instead, Barbara is stripped of her agency

through the assumption—George’s assumption, society’s assumption—that no woman who unapologetically makes the erotic and reproductive choices that she has made could possibly have a successful, independent life in the wake of such decisions. While Barbara is not explicitly vilified for her actions, she is vilified for not *regretting* her actions. She is vilified for thinking actions that should be understood as mistakes might instead be understood as choices.

After Barbara breathes her last, George, affectionately poised by her side, closes her eyes for her. He tenderly lays his head on her hand, and he then stands up to lower her bed. Barbara’s last screen moments consist of a close up of her face—of her unseeing eyes—as it sinks into the lower left corner of the frame and out of sight. Light from an unseen window shines onto the opposite stark white wall of Barbara’s hospital room. The Barbara who once defiantly and unabashedly looked back at those who looked at her—at those who judged her—can look back no longer. Despite *Men in White*’s attempts at breaking out of the contraception/abortion film mold of its contemporaries through its depiction of the unapologetic Barbara, such as abortion exploitation films *Guilty Parents* and *Gambling with Souls*, it nonetheless ultimately uses spectacle to take a step further from presenting abortion as a valid choice—and even from presenting choice as valid at all.

### **Reproductive Agency Up in Flames: *Christopher Strong*’s Spectacular Abortion**

While *Men in White* at least acknowledges the possibility of a woman feeling confident in her non-traditional erotic and reproductive sexual choices, Dorothy Arzner’s *Christopher Strong* (1933), based upon the Gilbert Frankau novel of the same name, opens by establishing a stark dichotomy between behavior to be imitated and behavior to be avoided in an erotic sexual

context.<sup>87</sup> As the film commences, a group of revelers sets out upon a late night “treasure hunt” to find two people who would not otherwise fit in their company: “an attractive man who can swear he’s been married for over five years, has always been faithful to his wife, and is not ashamed to admit it,” and “an attractive girl of over twenty who would swear she’s never had a love affair.” These requirements imply, of course, that the present group is comprised of adulterous men and sexually active unmarried women. This group includes, among others, the title character’s twenty-year-old daughter, Monica Strong (Helen Chandler), and Harry Rawlinson (Ralph Forbes), her married beau (whose wife we never see). Monica and Harry best the efforts of the other partygoers by succeeding in finding the “treasure”: Monica heads straight home and summons her father, Sir Christopher Strong (Colin Clive), a British statesman and model husband, while Harry luckily happens across Lady Cynthia Darrington (Katharine Hepburn), an independent and accomplished young aviatrix known for her risky flight ventures and unflappable courage. Ironically, it is the very “treasure” set apart at first for fine moral bearings and sterling characters who ultimately become enmeshed in an affair that results in Cynthia’s pregnancy and suicide-abortion.

It is worth pointing out that while the stakes of the scavenger hunt make it seem as though (sexually) morally upright members of both sexes are difficult to come by, the criteria for the women are based upon far more problematic gender assumptions than those for the men. Faithfulness is the primary concern for the married man—a criterion that implies his freedom to engage in whatever sexual activity he pleases *with his wife* and within the confines of his marriage. This criterion also suggests that faithful men are rare and that cheating is the accepted

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<sup>87</sup> The film version changes Lady Felicity Darrington’s name to Lady Cynthia Darrington. When referencing the novel, I will refer to Cynthia as Felicity for accuracy, even though they are the same character.

norm amongst the group. And yet for the men, both the options of fidelity and infidelity seem passable; for the women, however, it's the opposite. For the "attractive girl of over twenty who would swear she's never had a love affair," virginity—abstinence from any sexual action and its implied subsequent lack of any sexual agency whatsoever—tops the treasure hunt requirement list.<sup>88</sup> As early as the plot's exposition, the film foregrounds unequal assumptions regarding sex and gender behavioral norms. More specifically, though, this early scene establishes the double standard of women's sexuality that continues throughout the film. On the one hand, the scavenger hunt implies something abnormal about being a non-sexually-active woman, yet also that the only socially and morally sanctioned sexual activity would be within the bond of marriage. And yet, at the same time, the male portion of the treasure hunt suggests that, in theory, the men to whom these acceptable sexually active women are married are unfaithful and thus not sexually limited by their marriage bonds. This indicates (in a way that bears upon women's reproductive sexual agency as well) that female erotic agency must be confined, lest it become destructive—or, reproductive. As we shall see, this unchecked reproductive destruction is precisely what causes problems for Christopher, his family, and especially Cynthia.

Censorship correspondence records indicate that while the initial version of the *Christopher Strong* script (which was first billed as the more scandalous-sounding *Great Desire*) contained a reference to abortion, this reference was subsequently removed. As censor James Wingate writes to producer David O. Selznick on 18 November 1932, "the reference to abortion...is, of course, inadmissible under the Code" (Wingate). On 23 November 1932, less

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<sup>88</sup> According to definition 2a in the *Oxford English Dictionary*, a love affair is "A romantic or sexual relationship between two people in love" (*OED*). This definition identifies the usage of the term that matches temporally with *Christopher Strong*. While sex is not required, it—or at least some kind of physical contact—is most certainly implied. It is also important that this definition does not specify that one or both parties involved must be married.

than a week later, Wingate contacts Pandro Berman at RKO to express his pleasure that it was “definitely decided to remove the element of abortion from the script of ‘Great Desire,’” for with this, he has “removed a universally dangerous element, which it seems to us the screen should never attempt to handle” (Wingate).<sup>89</sup> Soon afterward, on 8 December 1932, Wingate lauds Selznick for the script’s “changes and improvements” (Wingate). One observation from the 8 December letter from Wingate to Selznick, however, is of particular importance. Wingate writes that, “we note a reference to Monica’s trip to Berlin. This refers to her abortion, which is out of this final script, and we assume was left in here by error” (Wingate). Notably, the novel’s source material *did* contain Cynthia accompanying Monica to Berlin with Christopher’s blessing in order for Monica to have an abortion, although all traces of Monica’s abortion were indeed erased from the film version. It is also worth noting that while the novel ends with Felicity attempting to break the altitude record, she does not do so in order to commit abortion-suicide. In this way, Christopher Strong the film erases Monica’s abortion, which was problematic to the censors, and transfers it onto Cynthia in a way that adheres to the Code.<sup>90</sup>

While Monica’s abortion of what we can safely assume is Harry’s illegitimate child was, in fact, removed in its entirety—allusions, implications, and all—from the final version of the script, another abortion remained. Cynthia’s abortion goes completely unmentioned in the censorship reports. Perhaps it simply didn’t read as an abortion. Perhaps it was implicit enough

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<sup>89</sup> It is not specified who exactly made the decision to remove the flagged abortion elements, although Selznick, and not director Dorothy Arzner, is implied as the decision-maker.

<sup>90</sup> The word abortion is never used in the novel, either. Felicity and Christopher’s conversation takes place in a completely coded manner. Felicity refers to the Berlin trip as “a bleak sort of job...[b]ut I don’t see who else is going to do it” (Frankau 172). Also, while Monica marries Harry Rawlinson in both versions, the film erases the character of Ruth, Monica’s responsible older sister, and it presents Monica as happily pregnant near the end. In the novel, Monica does not become pregnant again after her abortion.

to pass as Cynthia's suicide alone: the caption on a promotional poster advertisement entitled "Heavenly Love" declares in its description of Cynthia that, "[s]he [Cynthia Darrington] is an aviatrix whose love for a married man causes her to sacrifice her life in a flight to the clouds" ("Heavenly Love"). Here, Cynthia's death barely registers as suicide, let alone suicide/abortion. Or, perhaps the overt nature of Monica's abortion in the original script so overshadowed the implied of abortion with regard to Cynthia that censors simply did not pursue it. Whatever the potential reason, the fact remains that not only is Cynthia's abortion left in the film, but it is one of spectacular violence packaged as noble, self-imposed punishment. Yet how exactly does the traditional need to punish female characters in the cinema for erotic sexual agency translate into and necessitate punishment for reproductive sexual agency (which, here, could be seen as the sex act that leads to pregnancy and/or to the choice to abort said pregnancy)?

Cynthia's pregnancy enters the plot late in the film; while it is surely the most significant complication to arise from her love affair with Christopher, it is not the most immediate.<sup>91</sup> Additionally, while it is revealed to the audience, she never apprises anyone in the storyworld of her secret. When Cynthia first hints at her pregnancy, it is while speaking excitedly to Christopher in public: "I've been to the doctor's first. He told me not to fly, darling, but not because of my heart." To Cynthia's disappointment, Christopher does not catch on to the practically palpable subtext, and as a result, the two make dinner plans for the same evening. However, when Christopher cancels to attend dinner in honor of his recently wed and now-expecting daughter—or, in order to honor a legitimate pregnancy that creates instead of destroys

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<sup>91</sup> Before Cynthia becomes pregnant, she must also cope with the guilt associated with Lady Strong's trust in her; hypocritically advise Monica Strong against her affair with Harry (while she engages in her own affair with Monica's married father); negotiate certain flight attempts with Christopher, who does not wish for her to continue such a dangerous career as aviation; and keep her affair hidden from her and Christopher's family and friends, as well as from the public.

a family—Cynthia pens her confessional response to Christopher’s cancellation letter. She writes, “I did so want to tell you my news tonight. Since you are going to have a son—or daughter—I’d hoped you’d drink to his future with his mother. That’s why I shall take no more risks. Of course this letter will never be sent, for I shall see you tomorrow night, surely.” Even in Cynthia’s letter, she avoids the word “pregnancy,” and her condition remains only implied (although still fairly obvious). The following evening, Cynthia has another chance to tell Christopher her news, but reconsiders her decision when, while speaking hypothetically about her pregnancy, Christopher reveals his hypothetical response: he would break up his current marriage to be with Cynthia and their child out of a sense of duty. The guilt Cynthia feels at that prospect compels her to keep her pregnancy a secret and, ultimately, to sacrifice herself in order to keep it hidden and protect Christopher’s family. In Christopher’s reaction, we notice an echo of *Men in White*’s George, but with the exception that Christopher admittedly loves Cynthia. Nonetheless, Christopher presents marrying Cynthia as a duty, and he makes it clear that he would not marry her under any other condition besides her pregnancy.

While hiding Cynthia’s pregnancy is certainly crucial to the plot, it is also crucial for adherence to the Code. Only one tenet makes any specific restrictions on representations of reproductive sexuality: as Section II.7 states, “Scenes of *actual child birth*, in fact or in silhouette, are never to be presented,” which, in a way, falls in line with the prohibition of surgical procedures as outlined in Section XII in so far as they could both be considered under the rubric of potentially graphic medical bodily concerns (Leff and Simmons 288). Both of these films—as well as many more Hollywood pregnancy or abortion films of the Code era<sup>92</sup>—avoid

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<sup>92</sup> The following are examples of films explicitly treating the subject of pregnancy that do not show scenes of childbirth: *Bad Girl*, directed by Frank Borzage (1931); *Bondage*, directed by Alfred Santell (1933); *Little Nellie Kelly*, directed by Norman Taurog (1940); *The Miracle of*



said representation without problem. Beyond that explicit restriction, however, much grey area exists for other reproduction-related topics. While other tenets of the Production Code place limitations upon representations of adultery, sex hygiene, and cruelty to children—all Code-related topics that surface in one or more of the films I am considering in this chapter, not to mention in the other films addressed in this project—there are two Production Code tenets in particular that work to limit the possibilities of representations of reproductive sexuality.<sup>93</sup> Along with Section 1.1, these tenets go even further to restrict visual representations of abortion—or, as is the case in *Christopher Strong* and *Leave Her to Heaven*, these tenets restrict the representations of acts that the viewer could visually identify as abortions without them ever being thusly named.

As mentioned earlier, General Principle 1 and Section III stand out as the aspects of the Code from which attitudes and interpretations against the display of pregnancy most likely stem. The former dictates that “[n]o picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil or sin” (Qtd. in Leff and Simmons 286); the latter stipulates that “[t]he treatment of low, disgusting, unpleasant, though not necessarily evil, subjects should be subject always to the dictates of good taste and a regard for the sensibilities of the audience” (Leff and Simmons 288). The topic of pregnancy—let alone the topics of birth control and abortion—is not mentioned specifically in the Code, and this omission on the part of the Code’s authors, I argue, is significant.

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*Morgan’s Creek*, directed by Preston Sturges (1944); *Good Sam*, directed by Leo McCarey (1948).

<sup>93</sup> These restrictions are outlined in Sections II.1, II.7, and XII.5, respectively (Leff and Simmons 287-288, 230).

The fact that even the Code itself cannot seem to articulate that which it wishes to keep either implicit or absent reemphasizes the taboo nature of these subjects. Additionally, it simultaneously necessitates that abortion and birth control generally be understood as so “low, disgusting, unpleasant, though not necessarily evil” that they can only be suggested as falling under the rubric of the “low, disgusting, unpleasant, though not necessarily evil” (Leff 288). A topic need not be mentioned specifically as forbidden or taboo or immoral in order to be understood as such; thus we see how the Code comes to exist as a sort of catch-all for any topic that may garner negative attention from the Catholic Church or other religious or morally conservative groups, and in turn, we see how the Code is not only a censorship document that issues dictates of taste and decency, but one that can respond to and absorb dictates of taste and decency from other sources as well. Furthermore, the nebulous nature of what—with specific regard to pregnancy, contraception, and abortion—is actually forbidden and what is not may be creatively negotiated to, as I will demonstrate, surprising and problematic ends.

Let us take Cynthia’s pregnancy, for example. Despite the audience’s awareness of Cynthia’s pregnancy, Cynthia never physically reads as pregnant on-screen. Before conceiving, Cynthia most frequently appears dressed in masculine but form-fitting aviation garb, with the outrageous exception of the scene wherein she sports an elaborate, elegant gold lamé moth costume for a themed party. Yet even this costume, while certainly out of the ordinary, shows off her slim and undeniably feminine figure. E. Ann Kaplan rationalizes the extreme nature of the moth costume by observing that “Cynthia has to be outrageous in order to permit the transition from masculinized female, in plain leather and jodphurs, to the patriarchal feminine,” or, in other words, in order to demonstrate that she is even capable of feeling and exciting erotic desire at all (Kaplan 152). The audience learns of Cynthia’s pregnancy almost immediately after Cynthia

learns of it herself, which suggests that she is not yet far enough along to show. It then comes as no surprise when, after the pregnancy is revealed, she wears the same masculine but form-fitting clothing and looks no different than she did before. To extend Kaplan's logic about Cynthia's more feminine costuming, the choice to dress Cynthia in her masculine garb while pregnant de-eroticizes her and thus makes pregnancy seem a practically impossible state for her to attain. These facts are key to the censorship logic at play in the film's penultimate spectacular abortion scene.

Having decided that death is the only noble solution to her predicament, Cynthia arranges for a dangerous air stunt that she had previously promised Christopher she would not undertake.<sup>94</sup> The violent nature of her death turns abortion into another kind of female cinematic spectacle akin to the flaunting of the eroticized body, and yet, by Wingate's censorship logic, it does not read as an abortion; in fact, scholars such as Kaplan do not read it as an abortion, either. In her reading of the film's penultimate altitude flight scene, Kaplan posits that Cynthia's choice to undertake the flight reasserts her agency and transgressive femininity. After Christopher and Cynthia consummate their relationship, he forbids her from taking any risks; Kaplan argues that the loss of Cynthia's career combined with her pregnancy render her silent and weak:

“[Cynthia's] sudden loss of power now suggests that, far from being woman's most creative

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<sup>94</sup> While in the novel version, Felicity does promise Christopher that she will take no more risks, there is no indication that Felicity attempts to break the altitude record in order to kill herself and her fetus, and at no point does Felicity remove the oxygen mask from her face. In fact, while she feels ambivalent about carrying Christopher's child at the beginning of the flight, her ambivalence changes as the flight progresses: ““You've been scared of bearing this child. But you must bear this child. And not in shame but in pride. Because this is your real pride—your real laurel crown,” Felicity tells herself (Frankau 339). Here, Felicity decides that her real contribution to England is not her altitude record, but her yet-unborn child. And yet even when Felicity was less confident in her pregnancy, she still denounced abortion: “For long ago, when terror was at its height, she had thought to take the easy way—Monica's way—with the child. But by this light...that way seemed all the coward's; and a degradation to this flesh of hers, which had done no shame” (339).

activity, motherhood deprives, contracts, and reduces woman” (Kaplan, *Motherhood* 154).

Through reclaiming her career, even with the intention of suicide, Cynthia rejects the silence and marginalization that have been forced upon her through her nontraditional sex and gender choices. While I agree with this reading in so far that Cynthia’s altitude flight is an assertion of agency, I cannot help but argue that what Cynthia intends as a suicide mission is really a suicide/abortion and, thusly, is more an assertion of reproductive agency than anything else.

Not only do I wish to challenge Kaplan’s omission of the abortion angle, but I think that there are some serious implications in Cynthia’s suicide/abortion for the Code’s impact upon representing reproductive options and their potential consequences. The pretense for Cynthia’s suicide is a flight attempt at breaking the altitude record—which she accomplishes, but not without tragic results. Due to the increased altitude, oxygen is needed once the plane clears 15,000 feet, and Cynthia dutifully dons her oxygen mask at that point. Once Cynthia’s plane nears the record altitude, director Dorothy Arzner’s use of a series of flashbacks interrupted by close-ups of Cynthia’s masked, bug-like face remind the viewer what has led Cynthia to this point and work to validate her decision; these serve to prioritize Cynthia’s perspective, which does not often happen in either the film or the novel. At the same time, though, these close-up shots and juxtaposed memories are crucial in so far as they foreshadow Cynthia’s reconsideration of her choice. Yet even this interpretation goes against Arzner’s own understanding of the scene; in Gerald Peary’s and Karyn Kay’s interview with the director, Arzner denies that Cynthia reconsiders her suicide decision. The interviewers ask, “Wasn’t there a moment when Cynthia tried to save her own life by putting the oxygen mask back on her face after she had ripped it off?” and Arzner replies: “No, Cynthia did not try to save her life. If you remember, she looked back over the whole affair seen through superimpositions as she flew to

break the altitude record. Suicide was a definite decision” (Peary and Kay 26). While Arzner is certainly entitled to her directorial intention, said intention doesn’t change the fact that Cynthia does fumble with the oxygen mask after her hallucinations in a manner that suggests that she is trying to replace it. The close-up shot cuts out Cynthia’s environment, making her face—and her thoughts—the focus of the scene, such that the viewer identifies with Cynthia while momentarily forgetting about her pregnant body and the choice that she has made to abort her fetus and take her own life. And yet, while Cynthia’s body is excluded, her flashbacks and perspective creatively remind us of her pregnancy and abortion.

When Cynthia finally removes her oxygen mask, she fumbles for a moment trying to replace it, but to no avail. A medium shot of the unconscious Cynthia follows, and the camera moves to a full exterior shot of the plane as it begins its rapid descent. The pattern of successive shots alternates twice more between the medium shot of Cynthia and the full shot of the plane plummeting. We are then given a view of the quickly approaching ground from inside her plane (as though we must fill in for Cynthia in her absence), and finally the plane crashes in a fiery explosion. Cynthia’s pregnant body is part of the spectacle, but according to Wingate, this is not an abortion. I contend that this is possible in the mind of the censor for the following reasons. First, if Cynthia didn’t tell anyone she was pregnant, and if Cynthia never looked pregnant, then for all intents and purposes, she is not pregnant. If no one knew about the pregnancy while Cynthia was living, no one could possibly know about it nor perpetuate knowledge of it once she is dead, especially since, given the nature of her death, there would be no corpse to autopsy. Secondly, if Cynthia is not pregnant, then she cannot enact an abortion: something that was not there in the first place cannot be done away with. Thirdly, only three characters—Christopher, Monica, and Harry—know about her affair, and they’re not sharing that information so as to

protect themselves as a family.<sup>95</sup> Thus, for all anyone knows, Cynthia's sole intention for the flight was to break the altitude record. Lastly, no one—except the audience, of course—knows what took place inside the plane. The only surviving information from the crash is that of the record-breaking altitude achievement. Only Cynthia knows that she decided at the last moment to live; other characters' lack of knowledge regarding Cynthia's original and reconsidered intentions makes the crash seem purely accidental and woefully tragic. However, none of this changes the fact that the viewer is aware of Cynthia's pregnancy as well as her intention, which thus makes her crash read as a suicide/abortion, albeit perhaps ultimately accidental. In *Christopher Strong*, abortion is avoided through neglecting to acknowledge pregnancy within the storyworld, which thus allows the crash to read as dramatic entertainment and not as a “universally dangerous element” (Wingate).<sup>96</sup>

It is useful here to recall how Laura Mulvey uses the phallogocentric system stand as an example of what's happening sociohistorically in America and in Hollywood in the 1930s and 1940s. The trajectory of how woman is presented in film via psychoanalysis—woman as erotic object → woman as potential castrator → need to subordinate/punish woman—demonstrates how the reproductively sexual does not really fit in. This underscores the need to present reproductive sexuality as erotic sexuality. In this way, the abortion spectacle does not read as

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<sup>95</sup> While Lady Elaine Strong (Billie Burke) witnessed Christopher and Cynthia share an embrace late one evening and thus has cause for suspicion of an affair, her suspicions are never confirmed. In fact, despite these suspicions, Elaine actively speaks in favor of Cynthia when Monica, with confirmed knowledge of the affair, maligns Cynthia near the film's end. Elaine reminds Monica of Cynthia's good reputation and of the help Cynthia gave her with Harry when Elaine did not view their courtship favorably. Elaine even goes so far as to later thank Cynthia for her help in person, not knowing, of course, that Cynthia is currently carrying Christopher's illegitimate child.

<sup>96</sup> James Wingate to Pandro Berman. 23 November 1932.

abortion; it reads as erotic spectacle, as female spectacle, and can thereby get by the Code. Ultimately, Cynthia is punished for adultery, her suicide reads as self-sacrifice, and the abortion doesn't read as an abortion but as female spectacle. And yet I think most would agree that there is something profoundly disturbing in this alchemy. In Cynthia's case, the masculinist constraints of the storyworld (and of the historical context in which it was produced) demand that she sacrifice herself and her fetus in order to save her reputation and appease mainstream bourgeois expectations. In the case of *Leave Her to Heaven*'s Ellen Berent, however, the abortion spectacle is much less easily mistaken for something else (i.e. suicide or accidental death) and therefore requires a different manipulation of censorship logic. The logistic gymnastics necessary to make Ellen's pregnancy invisible and her abortion allowable under the Code are more complex and raise a fresh set of concerns about the cinematic display of the reproductive female body since Ellen's pregnancy (unlike Cynthia's) is not kept secret. *Christopher Strong* uses the audience's identification with Cynthia not to make her sympathetic, but to make her death even more spectacular and reinforce judgment upon her perceived transgressions.

**“Yes, she was that kind of monster”: *Leave Her to Heaven* and the Domestic Abortion Spectacle**

As with Cynthia Darrington, Ellen Berent's pregnancy does not occur until later in the film. And like Cynthia, Ellen's costuming, while feminine at times, also highlights the ways in which she diverges from gender norms and presents her as a different type of woman: one who is strong-willed, athletic, and in charge of her own decisions. Earlier in *Leave Her to Heaven*, Ellen appears clad in both a horseback riding outfit as well as in bathing suits (for swimming, not sunning) on several occasions. While these costume choices do establish what are considered

Ellen's more masculine, athletic tastes, they also function to remind the audience that, like Cynthia, Ellen is still a woman with a figure.

When Ellen decides to become pregnant by her husband, Richard Harland (Cornel Wilde), her costuming changes dramatically. Instead of her shoulder-length soft curls and tasteful yet form-fitting dresses, blouses, and slacks (which initially drew some negative attention from Joseph Breen)<sup>97</sup>, the expecting Ellen sports a matronly up-do with loose-fitting dresses and billowing tops. As Kelly Oliver notes of the film's costuming, "[t]hroughout the film...[Ellen] never looks the least bit pregnant" (28). This costuming is critical, for it signifies pregnancy without allowing the viewer to actually see Ellen's pregnant body. We, like the characters in the storyworld, are aware of Ellen's pregnancy. And yet, as Breen suggests, the script, which is based upon the 1944 novel of the same name by Ben Ames Williams, must walk a fine line between verbally indicating the state of pregnancy without drawing much (if any) attention to its attendant physicality. In an official censorship correspondence from Breen to twentieth Century Fox's Colonel Jason Joy on 2 March 1945, which concerns the revised first draft of the *Leave Her to Heaven* screenplay, Breen comments that, "Ellen's reference to her physical condition will very likely be deleted by censorship boards, and we suggest that it be changed" (Breen). Additionally, he notes in the same correspondence that, "we ask that Ellen's line 'Look at me! Heavy and misshapen...' down to the end of the page '...having the little brat under foot' be rewritten" (Breen).<sup>98</sup> The problems that arise in these revision suggestions do not

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<sup>97</sup> In a letter from 12 December 1944, Breen instructs Joy to "watch the costuming of Ellen...in order to avoid any objectionable exposure" and again to "watch the costuming of Ellen carefully" (Breen). Later, in a letter dated 2 March 1945 letter, Breen's tone towards Joy becomes almost passive-aggressive: "We presume the costuming of Ellen will be quite proper" (Breen). While Breen does refer to page numbers from the script when referencing various of Ellen's outfits, he never does specifically state (or restate) the problem.



even yet concern abortion (which is yet to come in the censorship reports), but something even more fundamental: a visibly pregnant body, which is something that none of the other contraception/abortion films have yet approached.

Ellen's pregnancy is not a plot point that the film attempts to hide: Ellen discusses the possibility of pregnancy with her cousin, Ruth; Ellen's family is shown transforming her late father's old laboratory into a playroom; Ellen's physician, Dr. Saunders, pays her a visit and gives orders regarding how she should best care for herself while pregnant. The problem is not simply discourse about pregnancy. Instead, it is the depiction of the pregnant body and, relatedly, verbal descriptions thereof that would call attention to it in a negative way. Any time that Ellen appears on screen while pregnant, her garments are loose-fitting (to an almost comically exaggerated extent) so as not to betray the definite shape of her pregnant body—even though, as we learn from Dr. Saunders, she is so far along in her pregnancy that he orders her to bed rest for the duration of her term. The importance of Ellen's costuming is not to make her look as though she isn't pregnant, but rather, costuming works to hide the physical details of her pregnancy. Ellen's descriptive verbal references to her pregnancy, then, cannot be allowed, for self-identifying as "heavy and misshapen" would undermine all costuming efforts to present her as just simply pregnant. In the final version of the script, however, the "heavy and misshapen" reference has been removed, such that Ellen no longer calls attention to the physical condition that we know is there, but that is (now) otherwise invisible. This edit belies the importance of the rhetorical negotiation necessary to the inclusion of pregnancy as a plot point along with the

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<sup>98</sup> Ellen's hatred of her pregnant body in the film is consistent with the novel, where, for example, the narrator notes of Ellen, "As the shape of [Ellen's] body began to change, she sought to avoid [Richard]" and "Nameless terrors haunted her, and the child growing in her body came to personify them all" (B. Williams 184). At another point, a frustrated Ellen beats on her stomach and yells to her fetus, "'Oh, I hate you, too, you little beast! I hate you, hate you! Oh, I wish you'd die!'"—dialogue that is pulled nearly verbatim into the movie (191).

inclusion of the censorable pregnant body. The physically invisible pregnancy is also necessary for the alchemical transformation of abortion into murder.

Unlike Cynthia's plane crash abortion in *Christopher Strong*, which does not register with the censors, the implications of Ellen's trip down a flight of stairs do not go undetected or unaddressed by Joseph Breen and the MPPA. On 12 December 1944, Breen informs Joy of the following:

It will be absolutely essential to remove any flavor from these pages that Ellen plans to murder the unborn child merely because she is misshapen. It should be definitely established that her reasons [sic] for murdering the child is that she thinks that the newborn will replace her in her husband's affections. This is important in order to avoid any of the flavor that is normally connected with what could be termed "abortion." (Breen)

With Breen's comment, we again note the importance of the censor's understanding of perceived audience reception. It is not so much that Breen attempts to make what seems like an act of abortion within the film *look* like something that it's not—in the context of the film, an accidental trip down a flight of stairs. Instead, Breen is trying to make what looks like an abortion *seem* like something else. It is worth noting here that in the novel, Ellen's abortion is not depicted this graphically—in fact, it's not really described at all. The only reference to it is what the narrator tells secondhand through Richard: "Ellen, he said, had walked in her sleep during the night, had fallen downstairs. Her cry awoke him, and he was quickly at her side. She insisted she was unhurt, but almost at once they knew harm had been done, and Harland summoned Doctor Patron, who took her to the hospital. The baby—a lusty boy—was dead" (Williams 197). In the novel, we don't even "see" Ellen's abortion; we're only informed of it ex

post facto. Like the film, however, the word “abortion” is never used in the novel, which also deals in implications and innuendos.

According to Breen’s logic, if the audience believes that Ellen’s intention in ridding herself of her fetus is to regain her slim figure—if she’s terminating her pregnancy for superficial, cosmetic reasons—then the act would read as an abortion. If, however, the audience believes that Ellen’s intention is to remain sole possessor of her husband’s affections, then the act reads as murder, and somehow, murder does not carry connotations *as bad*—or *as censorable*—as does abortion (although murder, to an extent, is still fair game for the chopping block and does have Code-related guidelines to follow). While Ellen does admit to an unsympathetic Dr. Saunders that “[t]his baby’s making a prisoner out of me,” she also laments, “I don’t even see my husband.” When Dr. Saunders queries, “Why don’t you have him come in here?,” Ellen retorts, “Because I don’t want him to see me this way.” Ellen’s objections could be read as superficial and cosmetic or as coming from a place of embarrassment and shame—especially given the emphasis put upon her attractive physique earlier in the film—but the audience could also interpret them as legitimate concern over the increasing lack of basic physical closeness in Richard’s and her marriage as a result of her pregnancy. In the event of the latter, Ellen’s act is a murder for the sake of saving her marriage, not an abortion. As a story summary report from nearly ten months after Breen’s objections claims, “Ellen is a very possessive type of girl who wants her husband all to herself,” and later, it describes the abortion scene as such: “Ellen imagines that her child, even unborn, is taking her place in her husband’s affections. In hatred she deliberately falls downstairs, hoping to kill the child, and she is successful in this” (*Heaven* story summary). Here, we can see that the official follow-up material (which was filed about three months before the film’s release) honors Breen’s recommendations.

Even so, one of the most striking parts of the preceding passages from Breen's letter and the story summary report is the distinction between an act looking like an abortion and an act being identified, even implicitly, as an abortion; Breen suggests this distinction, and the film's official file documents later mimic it. By Breen's logic, the act may look like an abortion, but as long as it's not called one, it does not read as one. We observe this type of censorship logic in both *Christopher Strong* and *Leave Her to Heaven*, which, unlike the early contraception/abortion films and abortion exploitation films explored in Chapters 2 and 3, are abortion films that are never explicitly about abortion. Part of this distinction is also that these films center around an understanding of projected viewer reception that is further complicated by the fact that, due to censorship, these films take pains to ignore the very abortions that are so central to their plots. Part of the social fear driving censorship is that if the cinematic material presented contains ideas of images that are deemed somehow "immoral," then the impressionable imagined viewer will absorb and emulate these ideas or actions. If these films were to show abortions and actually identify them as such, they would then run the risk of potentially advocating abortion at most, and at least presenting it as an option. *Heaven*, however, does no such thing, and Ellen Berent's "choice" is presented as the wrong one, regardless of whether it was done out of possessiveness or vanity. In this way, director John M. Stahl shows an abortion, but according to Breen, as long as it is contextualized as something other than an abortion, then it reads as something other: namely, in Ellen's case, miscarriage. Furthermore, the way in which the "miscarriage" occurred (falling down a full flight of stairs), combined with the fact that Ellen did sustain some bodily harm, does not make "having a miscarriage" look like something a woman would want to imitate. While some female viewers doubtless could relate to Ellen's frustration with her pregnancy, Ellen is in no way presented ambiguously. As suggested

by Breen's written exchanges, the consequences Ellen faces for her abortion, as well as her characterization earlier in the film as someone devoid of maternal instincts,<sup>99</sup> her choice is wrong and is not to be emulated. Indeed, in the context of the film, the only real or correct choice for a pregnant woman is to carry her pregnancy to term and to *want* to do so.

According to Breen and the Code, then, murder and the representation thereof ranks as less egregious and more tolerable a crime than abortion. This, however, does not mean that the Code takes a progressive or liberal stance on abortion. It's not that abortion isn't "murder"—quite the opposite is true, in fact—it's just that abortion can't exist in the Hollywood narrative. Thus, as in the abortion exploitation films, abortion must be criminally coded as something else. The abortion melodramas take a sharply conservative view of abortion that excludes it as an acceptable option for women. Additionally, the alchemical transformation of abortion into murder doesn't mean that murder may be presented without consequence, and for Ellen Berent, there are certainly consequences. Whether abortion or murder, Ellen is nonetheless subjected to punishment for her crimes within the storyworld.

I contend that the punishment of suicide is made more acceptable within the film, as Ellen is vilified throughout for her agency. Even before the film's release, MPPA discourse about Gene Tierney's character betrays a decidedly negative bent. An analysis chart for *Leave Her to Heaven* lists Ellen Berent as a "prominent" and "unsympathetic" character who commits

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<sup>99</sup> Earlier in the film, Ellen convinces Richard's disabled younger brother, Danny, to go for a swim. When the boy finds himself physically in trouble, Ellen pretends not to hear his cries for help and allows the adolescent to drown so that he will no longer occupy Richard's time and attentions. Danny brings a certain eugenic element to the *Leave Her to Heaven*, as his physical disabilities act as a foil for Ellen's physical prowess, namely her swimming and horseback-riding athleticism. Ellen's physical prowess, combined with her wealth and good looks, masks what the film presents as her Ellen's own dysgenic shortcoming: her tendency to, as her mother puts it, "love[] too much." In this way, Ellen is presented as the real dysgenic threat who, arguably, really shouldn't be having children anyway.

“murder of unborn child by deliberately falling downstairs [sic]” (*Heaven* analysis chart). In the film itself, Ellen is immediately characterized as possessive and obsessive through her relationship with her deceased father (the intensity of which strained her parents’ marriage), and warning bells ring early for the viewer when Ellen makes much ado about the uncanny resemblance between her father and Richard. Even Ellen’s own mother claims that Ellen “loves too much,” meaning that she does not love in a proper familial, wifely, or motherly manner, but with a selective fervor that borders upon the deranged. Of course, Ellen is also independent, strong-willed, and clever; Ellen has agency, but those positive qualities that enable her agency become problematized along with her “negative” traits. With this in mind, we recall the Production Code’s General Principle 1: “[n]o picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil or sin” (Qtd. in Leff and Simmons 286). If Ellen is to be vilified for her erotic and reproductive agency, then her crimes—the “murders” of both her adolescent brother-in-law, Danny, and of her fetus—are passable in so far as they both now read as cautionary tales.

To return, however, to Ellen’s staircase scene, the composition, editing, and pacing of the scene make it difficult to miss (or to unsee, or to resee) the abortion aspect. The actual scene of Ellen’s abortion functions in way that is very much like Cynthia’s in its spectacular nature, but with one key difference: *Ellen does not reconsider her decision.*<sup>100</sup> As Ellen stands at the top of

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<sup>100</sup> This scene also functions in a totally different way in the film than it does in the novel. In the source text, nothing happens in real time, and the only *ex post facto* description of Ellen’s fall is this: “Ellen, [Richard] said, had walked in her sleep during the night, had fallen downstairs. Her cry woke him, and he was quickly at her side. She insisted she was unhurt, but almost at once they knew harm had been done, and [Richard] summoned Doctor Patron, who took her to the hospital. The baby—a lusty boy—was dead” (B. Williams 197). There is not, *at any point at all in the novel*, a detailed description of Ellen falling down the flight of stairs.

the staircase, we notice Stahl's employment of a shot/reverse shot pattern that is strikingly similar to the one Arzner uses in *Christopher Strong*. The pattern begins with a motivated close-up of Ellen's face as she gazes beyond the frame, and then cuts to a pan of the staircase at which she is looking. The shot/reverse shot repeats again, this time with Ellen looking at her shoes at the top of the staircase, and then wedging the toe of one shoe beneath a gap in the carpeting. The first pattern repeats again, and the camera remains at the top of the stairs while Ellen unsteadies herself and falls. We do not see her fall, but we do hear her scream as she jumps; we also hear the sound of her body thudding down the stairs and landing, immobile, at the bottom. The pre-jump close-ups with motivated reverse shots foreground Ellen's thought process and unwavering determination such that, like Cynthia, it is Ellen's facial expressions, not her body, upon which the film focuses here. While the shot/reverse shot patterns might make it seem as though Ellen is rethinking her decision to carry through with the abortion, they actually reaffirm her decision; she is not reconsidering so much as she is sizing up her fall and making sure that one shoe remains at the top of the stairs to prove that she "tripped."

The ellipsis of the falling body and synecdochical substitution of the scream and thuds confirms that it is not the body that is of interest here, but the transgression. And yet, the absence of the body at the scene's most crucial moment does not diminish the bodily spectacle but rather enhances it—all while simultaneously helping the film to remain in line with Code requirements. By not showing the body at the moment of physical harm, the audience can imagine whatever it likes—it can imagine the most horrible version of the violence, which makes it all the more effective as a caution against any inspired imitation. Additionally, Code adherence is in check, for no detailed actual violence is being displayed. This, too, could help transform this scene from reading as Ellen's abortion to reading merely as a miscarriage.

I am intrigued, however, by a comment that Ellen's mother makes to Dr. Saunders and Ruth at the hospital in the following scene, as it distinctly suggests, of all things, abortion: "First his brother, and now his son." Mrs. Berent suspects foul play on Ellen's part in both Danny's and the fetus' deaths. However, an act cannot seem like an abortion if an abortion isn't possible. In this case, Mrs. Berent's comment helps to keep the idea of abortion at bay while simultaneously reinforcing the idea of murder and casting Ellen's reproductive agency as exclusively destructive: an accusation that follows Ellen even after her death.

Whereas the focus in *Christopher Strong* is more on Cynthia's nobility, her partly purposeful, partly accidental death emphasizes her sense of responsibility and self-sacrifice and helps mitigate her transgression. Of course, this angle on the film's part is helped along by Cynthia's eventual remorse over the affair, its outcome, and the threat it posed to marriage as an institution. Ellen Berent, on the other hand, shows no remorse for orchestrating the drowning of her young, disabled brother-in-law; her own "accidental" trip down a staircase and consequent abortion; and her own suicide, for which she attempts scapegoating her cousin, Ruth. After the plane crash death, Cynthia is remembered posthumously with a large stone monument extolling her courage. After poisoning herself, Ellen is slandered at her own posthumous trial by her own husband: "Yes, she was that kind of monster."<sup>101</sup>

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<sup>101</sup> Ostensibly, Ruth is on trial for Ellen's murder. However, Richard, compelled by his love for the humble and sweet Ruth, clears her name by confessing that Ellen killed Danny and her fetus, therefore making her capable of killing herself and trying to ruin his and Ruth's lives. With this admission, Ruth's name is cleared, but Richard is convicted as an accessory to the crime and an obstructor of justice. During the confrontation that precipitated Ellen's suicide, Richard accused her of allowing Danny to drown, and Ellen confessed to Danny's murder and the abortion. Richard, however, did not take this information to the authorities. Although Richard is found guilty, imprisoned, and released two years later, Ellen is more the focus of the trial than is Richard; if anything, Richard is "being tried" for having fallen out of love with Ellen and in love with her cousin, Ruth, while Ellen is, as Richard puts it, a "monster."



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Erika L. Doss notes the vilification of the successful, independent, strong-willed female character in Great Depression-era films, and mentions *Christopher Strong* in particular. As an attempt to understand this phenomenon, she posits that, “[i]n all likelihood, accomplished, powerful women were treated this way in Depression films because in real life their existence was regarded as both a slap in the face and a threat: movie studio heads presumed that unemployed American men would not appreciate viewing successful women, on screen or off” (3). Along these lines, it would make sense for *Men in White*’s Barbara Denham—a nursing student at a prestigious research hospital with a promising career amongst leading doctors and surgeons—to be treated similarly. We notice the same kind of threat in *Christopher Strong*’s Lady Cynthia Darrington: before her pregnancy, she is an adventurous and prominent aviatrix. And although *Leave Her to Heaven*’s privileged Ellen Berent does not need to work—and while the film does not acknowledge its postwar context—it was nonetheless released in December 1945—mere months after the United States ended World War II. Women were no longer needed as a substitute work force and as heads-of-household; as men returned from the war, women who had recently enjoyed independence needed to step back into the kitchen.

The larger historical context, as Doss suggests, points to male viewers regarding women with agency in the movies as threatening because they have agency, and they are using it. But when we consider the female viewership of melodramas like these, the erasure of the educational, the vilification of agency, and the related valorization of the domestic status quo becomes directly tied to reproductive rights and agency—and to the message that women don’t

need it, shouldn't want it, and must not have it. Abortion becomes the vehicle for vilification employed in *Men in White*, *Christopher Strong* and *Leave Her to Heaven*—and this also explains the peculiarly disturbing nature of the on-screen Production Code abortion spectacle.

Considering also the progress made since the late 1910s regarding Margaret Sanger's public crusade for sex education and family planning, women's agency concerning their own reproductive capabilities had increased. Despite this positive change—and despite the fact that, in 1945, the birth control pill and the legalization of abortion are still 15 years and 28 years away, respectively—prescribed morality still insists upon the unpopularity and immorality of abortion practices.

Through condoning a version of the display of abortion that enables sanctioned violence against the vilified woman, the Production Code attempts to reinscribe old conceptions prescribed morality onto the popular morality of modern woman's reproductive agency. What's more, though, is that these Code-era melodramas from major studios make abortion visible and violent in ways that recall previous contraception/abortion films while differing tremendously in their presentation and exclusion of choice. However, these extreme and daring displays of spectacular abortion simultaneously serve another more subversive political agenda that is only enabled through these violent abortion displays. By showing women characters who would unapologetically accept death as a punishment for reproductive agency and knowingly push their own bodies to the extremes of personal injury or death in order to reclaim control over that agency, *Men in White*, *Christopher Strong* and *Leave Her to Heaven* deliver a scathing Hollywood commentary: through linking erotic and reproductive agency, these films also criticize the strictures unduly placed upon women who choose to employ both their erotic and reproductive agency in the ways that they see fit.

## CODA

In my dissertation, I have examined the effects of the Supreme Court’s 1915 *Mutual v. Ohio* decision—a decision that removed film from First Amendment protections and deemed it entertainment—upon representations of reproductive women in film. Eventually, however, *Mutual* is reversed in the 1952 *Joseph Burstyn, Inc. v. Wilson* decision, which is commonly referred to as the *Miracle* case after the film that precipitated it. The *Miracle* case centers around Italian New Wave director Roberto Rossellini’s 1948 short film, *Il Miracolo*, or *The Miracle*, one portion of the longer anthology film, *L’Amore*. Joseph Burstyn, “a highly respected but small-time film importer,” first viewed *Il Miracolo* at the Venice Film Festival, where he “fell in love with it” and purchased U.S. distribution rights (Wittern-Keller and Haberski, Jr. 4, 3). The film tells the story of an Italian peasant woman who, after a bit too much wine, sleeps with a stranger she thinks to be St. Joseph. She becomes pregnant, believes herself to be carrying a holy child, and is ostracized by the nearby villagers for her behavior. Yet, despite the unkind treatment she faces from others for her pregnancy, she cherishes her newborn son.

While Burstyn thought that the film would be received as “the story of man’s inhumanity to man, as Burstyn had seen it and Rossellini said he had made it,” the Catholic Church felt differently, railing against the film as “a mockery of the Virgin birth,” and therefore as sacrilegious (Wittern-Keller and Haberski, Jr. 5). *Il Miracolo* swiftly triggered a years-long battle over the nature and application of free speech that ultimately lead to the reinstatement of film’s protection under First Amendment rights in 1952. As Laura Wittern-Keller and Raymond J. Haberski, Jr. observe of the decision’s effects, “when [the *Miracle* case] raised substantial questions about the amount of control the state could exercise over movies, it also created a new

threshold for cultural tolerance. The case encouraged movie critics to challenge censorship, champion pluralism, and argue that there was worth in many different and even offensive cultural expressions” (8).

As mentioned, most explicitly, the Catholic Church’s objections to the film were based upon accusations of sacrilege that, for them, stemmed from its problems with the film’s treatment of the main pregnancy plotline and its too-close resemblance to the narrative of Christ’s birth; the Church interpreted the pregnancy plotline as an “offensive cultural expression,” to borrow Wittern-Keller and Haberski, Jr.’s phrase. According to the Christian biblical account, Mary, a virgin teenager engaged to a man named Joseph, immaculately conceives of and gives birth to Jesus, the Son of God. Apparently, in *Il Miracolo*, the peasant woman’s misunderstanding of the non-divine nature of her conception came across to the Church more as parody than homage. But what strikes me most about this landmark case is not the Church’s concern with parody so much as its concern with premarital sex and pregnancy. Given Hollywood’s trend from the transitional era to the end of the Production Code era to implicitly, increasingly control and censor representations of female reproductive agency, it seems ironic yet fitting that the decision to return free speech protection to film—and thereby also return the potential for freer artistic and political expression—be centered around a particular type of film that had been so fiercely monitored for so long. Hollywood film’s tendency toward moral didacticism—and the Church’s influence thereupon—is, at least in this moment, struck down. What the Catholic Church meant as an act of censorship resulted in perhaps one of the most remarkable and groundbreaking acts of regulation. While *Il Miracolo* does not deal specifically with contraception or abortion, it does bring the topic of female reproductive agency and choice

to national attention in a way that retroactively functions, I would argue, as a critique of decades-long attempts to hide and control these very issues.

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Throughout my project, I have examined several different approaches to acknowledging birth control and representing abortion in American film from the 1910s to the 1940s. We have seen the scientifically and morally didactic narratives of the 1910s, with their strongly eugenic frames and agendas, which originate the trope of the melodramatic post-abortion deathbed scene as well as the need to punish those women who have undergone abortions. And yet, in spite of the extra-legal punishment faced by those women who choose abortion, films like *Where Are My Children?* remain ambiguous about whether or not these women should be punished. The ambiguities attendant in the social problem contraception/abortion films from the 1910s demonstrate how these films ultimately privilege choice through their use of objective didacticism.

In the abortion exploitation films of the 1930s, we observe how these films only pretend their concern with scientific didacticism while promoting a more extreme and hyperbolic moral didacticism through the presentation of worst-case scenarios. Here, the post-abortion deathbed scene is reserved for secondary female characters and while the female protagonists (who have also undergone abortions and survived) instead murder the men who are sexually responsible for their deceased loved ones. These women stand trial ostensibly for the less taboo crime of murder, although, as I argue, they are really on trial for abortion. However, under the strictures of the Production Code—which exists as of 1930, but which is not enforced consistently until 1934—

abortion can only be implied, and these acts of substitution are in place to prevent the intervention of censors. In the abortion films that focus more upon the doctors performing the acts, the women who seek abortions in the first place are victimized to the point that the abortion, which should be understood as a personal reproductive choice, becomes a sick act perpetrated by depraved rogue members of the medical profession upon unsuspecting women in compromising positions. Both types of abortion exploitation film feature contradictory narratives; they use the trappings of the scientifically didactic to gloss over a film's seediness with the veneer of respectability, all the while promoting a highly moralized anti-choice ideology. These films pretend to promote choice, but instead punish women who display reproductive agency.

The classical abortion melodramas of the 1930s and 1940s completely do away with even the vaguest semblance of the scientifically didactic in favor of intensely promoting what they consider to be the only moral, normative erotic and reproductive choices: women should abstain from sex until marriage; a pregnant woman should choose to carry her fetus to term. While the women in classical abortion melodramas are punished with death for their abortions, their deaths are presented as violent spectacle. And yet, these spectacles are carefully coded so as to remain within the strictures of the Production Code. This new turn in the representation of abortion demonstrates these films' departure from any desire to educate women about choice—as well as from any real engagement with contraception and abortion as complicated and critical social issues.

Thus, over the span of three decades, we notice two significant trajectories. The first is a shift from a focus on contraception and abortion education to a focus on moralizing. While both the scientifically and morally didactic are present in the social problem films of the 1910s (and even in the science films of the 1920s), that is precisely the point: *both* dialectical elements are

present. By the 1930s—at least 15 years removed from *Mutual v. Ohio* and at the beginning of the institution of the Production Code—abortion exploitation films depart from any meaningful engagement with the scientifically didactic, although they do ostensibly claim such engagement. By the time we reach the abortion melodrama, both time and genre have completely removed the last vestiges of the scientifically didactic, and, thereby, the last vestiges of both the verbal and visual rhetorics of choice.

The second trajectory I posit is an increasing disconnect between pro-choice popular morality and anti-choice prescribed morality as seen in the visual and verbal rhetorics of choice. This disconnect is evidenced by an eventual collapse of the distinction between prescribed and popular morality as it is represented in contraception/abortion films. While social problem contraception/abortion films use ambiguity to indicate a distinction between popular and prescribed morality, abortion exploitation films contend to maintain this separation even as they weaken it through their contradictory narratives. Abortion melodramas fold the popular into the prescribed: while they represent women who choose abortion, they also make these women seem like the exception to the moral norm. Ultimately, American contraception and abortion films in the interwar period illustrate a consistently decreasing engagement with choice both topically and visually as the Production Code attempts to reinscribe old conceptions of gender hierarchy onto the reproductively liberated modern woman.

Despite the Code's influence during the mid-twentieth century, Hollywood abandons the Production Code within 16 years of *Burstyn v. Wilson* and replaces it in 1968 with a ratings system very similar to the one still in use today. With the strictures of the Code lifted, one might theorize that there would be a significant change for the progressive in terms of the treatment of subjects like contraception and abortion. While a comprehensive analysis of the continued verbal

and visual rhetoric of the contraception/abortion film would be vast enough to warrant a separate study, Kelly Oliver's recent work on representations of pregnancy in contemporary Hollywood film indicates that post-Code films do not offer quite the picture of progressiveness that we might anticipate. She argues that "pregnancy and pregnant bodies have gone from shameful and hidden to sexy and spectacular," and bringing pregnancy out of the shadows in Hollywood film can be seen as a positive development since the Code era (although, as Oliver notes, there are still many attendant problems with "sexy and spectacular") (Oliver 2). However, she complicates these assertions by suggesting that "if we look closer, we can also see how these seemingly new stories repeat traditional ideas about abject maternal bodies, conventional notions of family values, familiar anxieties over women's reproduction, and fears of miscegenation" (Oliver 2). Oliver's argument would suggest that, from the wide array of films in her study, although pregnancy has become more visible, it does not inherently follow that representations thereof have become more progressive.

The recent boom in Hollywood movies explicitly treating the experience of pregnancy—particularly unplanned, unwanted pregnancy—is undeniable: for example, consider films like *Juno* (2007), *Knocked Up* (2007), *Waitress* (2007), *Quinceañera* (2006), *Saved!* (2004), *Kill Bill: Volumes 1 and 2* (2003, 2004), to name just a few. Despite the fact that the female protagonists neither plan nor are particularly excited about the prospect of pregnancy and motherhood, abortion does not arise as a serious option. With specific regard to abortion in contemporary Hollywood film, Oliver criticizes the disturbing pattern of films co-opting pro-choice rhetoric in order to make continuing with one's pregnancy—and not aborting it—the "choice" that female characters make: "Even while these films embrace a woman's right to choose, they still expect women to choose babies and not abortions" because "they are expected to make the *right* choice,



which is always to have their baby” (Oliver 11, emphasis original). Furthermore, despite the fact that political arguments over women’s reproductive rights occur frequently and openly, these arguments seldom make it into Hollywood films. Even Alexander Payne’s *Citizen Ruth* (1996), which refreshingly pokes fun at both the pro-life and pro-choice camps, slyly weasels its way out of any actual political statement. Firstly, the film’s antihero is a pregnant-yet-emaciated-looking woman (Laura Dern) who demonstrates, as Oliver notes, a “strict, if unspoken, code that abortions and fetuses cannot be shown in conjunction with the visibly pregnant bodies that they may inhabit” (90). Secondly, the film ends with pro-life and pro-choice activists fighting to win the pregnant Ruth—an economically disadvantaged, spray paint-huffing, self-interested delinquent—as the poster woman for their respective causes. However, unbeknownst to any of them, Ruth already chose no side but her own: she secretly miscarried and skips town with a duffel bag full of cash—maybe to begin a new, reformed life, but maybe to continue her familiar, destructive one. Either way, *Citizen Ruth* uses miscarriage as a means for both Ruth and the film itself to conveniently avoid having to make a choice at all.

One of the few films in recent—very recent—years to meaningfully engage with the subject of abortion is Gillian Robespierre’s *Obvious Child* (2009, 2014). *Obvious Child* began in 2009 as a short film in which its protagonist, twenty-something Brooklyn everywoman Donna Stern (Jenny Slate),<sup>102</sup> has casual sex and becomes pregnant. Instead of following a standard plot option that would avoid and/or vilify abortion, Robespierre took an entirely new tack: her protagonist chooses abortion, and after the man from her fling accompanies her to the procedure, they go out on a date. Here, Robespierre describes the impetus behind *Obvious Child* in *Filmmaker Magazine* in 2011:

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<sup>102</sup> Slate plays the character of Donna in both the short and feature versions.

After years of watching films that featured unplanned pregnancies ending in childbirth (*Juno*, *Knocked Up*, *Waitress*, etc.), we became disenchanted with the way young women’s experiences with pregnancy were being represented in the media. With *Obvious Child* we wanted to tell a story of a strong, funny woman who easily makes the decision to have an abortion without feeling guilty or traumatized. (Robespierre)

She also describes the film as a “romantic comedy”: hardly the description one would give to any of the transitional and Code era abortion films that I have examined (Robespierre).<sup>103</sup> Based upon the success of the film short, the IFP granted Robespierre funding to turn *Obvious Child* into a feature-length film; the feature of the same name premiered at the 2014 Sundance Festival. Robespierre’s film—and its title, especially—perhaps hint at a more contemporary version of the kind of representation of choice we have not seen since Lois Weber’s *Where Are My Children?*: for Donna, the choice to carry through with her pregnancy and have a child is not obvious at all.

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<sup>103</sup> Oliver does, however, devote her second chapter to the *momcom*: romantic comedies about pregnancy.

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