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7 December 2016

VidAngel and Its Necessity

It is no secret that movies aren't the same as they were 89 years ago when the first "talking picture", *The Jazz Singer*, reached the big screens. Much has changed about what content is allowed to be filmed or shown on television, what themes are present in film, and what different ratings mean for movie goers. The movie industry has quickly transitioned from not filming Elvis below the waist on television, and Lucy and Ricky not sleeping in the same bed in *I Love Lucy* in the 1950s, to *Game of Thrones* and *Queer as Folk* being normal and popular TV shows today. This change has people wondering what they will be getting when they press play and has parents concerned about what their children are exposed to in the media they consume so often. VidAngel, an online video streaming service, provides the option to filter out offensive content, giving parents and careful movie watchers peace of mind. With the recent legal battle facing VidAngel, the rights to protect individuals and families from content they don't want to view or hear in the shelter of their own homes is being threatened.

People like to think that the movie industry started out innocently and that they were pure in the content they created. However, there was a period of time between 1929 and 1934 in which there were no clear or enforced guidelines for film. This time is referred to as "Pre-Code Hollywood" and it "refers to the brief era in the American film industry between the introduction of sound pictures... and the enforcement of the Motion Picture Production Code censorship guidelines... usually labeled... as the 'Hays Code'" (Pre-Code Hollywood). According to the Harvard Film Archive,

During the pre-Code era Hollywood found commercial and critical success in a series of films that radically expanded the previously acceptable thresholds for exploring sex and crime related themes. The twilight of the Jazz Age and the Great Depression encouraged directors and screenwriters to seriously examine the moral and sociopolitical underpinnings of the changing nation through frank and, quite often, extremely graphic stories designed to titillate and shock.

The films of this pre-code era “reveal the potential of a decidedly unruly cinema largely unrestrained by the mores of polite society” (Harvard Film Archive). These are not quite the topics of classic films we usually think of when we think of early Hollywood.

Without rules or regulations on film, many people, parents especially, became very upset. Smaller groups of people began to set regulations to try and get a hold on the content in the movies that were being produced. “In the early 1900s, legal decisions and public outcries over the ‘morality crisis’ in Hollywood gave rise to over 45 local city and state censorship boards across the country, many controlled by religious organizations” (Graves 3). Filmmakers had to tailor their movies to meet the requirements of each of those individual boards or face being banned from that market. Needless to say, this method of trying to please many different groups with varying agendas and different ideas of what was “right” and “wrong” was difficult and ineffective.

In 1934, the Production Code was introduced by the Motion Picture Association, censoring "unwholesome" onscreen behavior. This production code was self-imposed by the movie studios themselves, according to Harvard Film Archive, and “Hollywood directors and screenwriters would ultimately discover a creative friction working with and against subsequent

censorship rules” (Doherty). Although it appeared to be a step in the right direction, it neither provided an effective way to rate movies nor did it allow creative freedom for movie studios.

What came next was what is referred to as The Hays Code, in honor of the first MPAA President, Will Hays. According to an article produced by The Classification and Ratings Administration entitled *The Movie Rating System: It's History, How It Works, and It's Enduring Value*, “under the Hays Code, films would simply be approved or disapproved based on whether they were deemed ‘moral’ or ‘immoral’... Only ‘correct standards of life’ could be presented” (Graves 5). These are difficult things to measure concretely, which is why this system did not last long. By 1966, the world was changing rapidly and the movie industry no longer reflected that. From there, in the eyes of the MPAA, “The choice was simple: Return to government censorship or come up with a system that worked for all stakeholders” (Graves 6). What followed was the formation of a rating system for film.

The focus of this new rating system was to “free the screens”, then educate parents on what content they could expect to be in the movies labeled with each of those ratings. The way they determine the rating of a movie is based on feedback from a board of parents. These parents come from all over the world and, when they are hired, have children between the ages of five and seventeen. According to Joan Graves, chairman of the Rating Administration for the MPAA, “when we rate a movie, we fill out individual ballots to begin with so that everyone has their initial opinion but then we collect the ballots and have a discussion and out of that discussion comes that rating that is given to the submitter” (Video 3). This means that the ratings come from a deliberation process, not a list of qualifications. This system created the G, PG, and R ratings.

In 1984, however, “a series of films made it clear that change needed to be made,” (Video 3). Steven Spielberg said “in the sort of perfect storm of movies that I either produced or

directed, it all sort of came together and created this parental objection to *Gremlin*'s being PG and to *Temple of Doom* being PG, and I agree with that. But I also felt it would have been unfair to have labeled either of those films R" (Video 3). He then said he called Jack Valenti, chairman of the MPAA at the time, and asked for a rating between PG and R. The result was the PG-13 rating being created to give more clarification to parents as to what age group they recommended view the film.

Not all ratings are the same. That comes as no surprise; we can expect very different content and themes between a PG movie and R-rated movie. The biggest problem that comes into play is that there are sometimes big differences between two movies of the same rating. "Each rating is determined by parents for parents", the Film Ratings website states, "but [they] also give you extra information to help explain the differences between movies that share the same rating" (Video 2). They encourage parents to "check the box" that includes the rating to help them have a better understanding as to why the movie received that rating, helping them to make more informed decisions on what they want their families viewing.

Those boxes contain very little information that is not always clear in its implications. Phrases such as "some disturbing thematic material", "violence", "sexuality", and "pervasive language" are very subjective. What one person views as disturbing, others may not be bothered by. On the other hand, what might be a little offensive to one person could be very offensive to another. As the academic journal entry *Mr. Soderbergh Goes To Washington: How Congress And The Clean Flicks Court Created Moral Rights For Filmmakers* points out "The artists' social and moral values... can conflict with those of the public, who wish to enjoy the artists' work" (Suresh 1). Due to this fuzzy method of determining ratings, viewers still don't know exactly what to expect when they watch movies.

Let's say, on the other hand, that people do know what to expect with the movie they are watching. Someone may know that the movie contains crude language and aren't comfortable with that content or showing that to their children. Most people grin and bear it. They don't want the language, violence or sexual content, but they really want to see the movie for one reason or another so they watch it and cringe a little inside. Viewers could skip the scene or mute the language if they knew it was coming, but most people don't, especially their first time watching a movie. Their only options are to watch the movie and be a little (or a lot) uncomfortable, or to not watch it at all. Well, those *were* viewers only options until VidAngel was created.

VidAngel is a video streaming service that allows people to filter out the content they do not want to see or hear in their movies. The system works as follows: the user purchases a movie through VidAngel's website for \$20, sets the filters on their movie to skip over any kind of offensive material they don't want in their movie, watches the film without having to worry about skipping over anything manually, then sells it back to VidAngel within 24 hours for a \$19 credit back on their account, costing them only \$1 to watch and filter the movie (the movie cost is \$1 for standard definition and \$2 for high definition). Users are also charged a dollar per day they don't sell their movie back. The filter options cover all potentially offensive categories including all of the standard ones mentioned in ratings but also things such as blasphemy, drug use, discrimination and immodesty. According to Bryan Schwartz, founder of the nonprofit program SaveFiltering, "Your kids are being fed innuendos, subliminal messages, indoctrination and social conditioning like never before in history. Services like VidAngel allow you to pre-filter movies and TV shows giving you peace of mind about what your children are exposed to" (Schwartz). Whatever parents don't want their children seeing or hearing with any movie available with any rating can be filtered out. What a relief this is to worried parents especially.

The company was doing well and gaining increasingly more attention from their advertisements on Facebook and YouTube. Consumers caught on quickly due to a desire for “increased access to and control over traditional forms of entertainment and educational media” (Watkins 241). People of all ages began gravitating toward this site and taking advantage of these services. The problem came, however, when some movie studios began to realize what they were doing and were angered by it. They were upset that their movies were being viewed in a way other than how they intended them to be viewed. Even trickier, they were upset that they weren’t being paid for the rights to the movies featured on the site. As a result, Disney, Warner Brothers, 20th Century Fox and Lucasfilms banded together and sued VidAngel.

These studios contend that VidAngel is “no different than many other unlawful online services” (Johnson). According to an article on Variety.com, “They contend that the service appears to circumvent technological protection measures on DVDs and Blu-ray discs to create unauthorized copies that are then streamed to customers” (Johnson). The article also points out that “VidAngel has defended the legality of its service by pointing out that it is ‘selling,’ not renting, the movies to its users, distinguishing it from the likes of Netflix and Hulu that forge pricey licensing agreements for studio movies.” The movie studios don’t view VidAngel as legal because they see them as buying their movies, copying them, uploading them to a website, then charging people to rent those movies. What VidAngel does, in actuality, is very different and has been carefully mapped out with all of the laws in place taken into consideration.

A video featured on VidAngel’s website explains how their site is in fact legal, is protected by the law, and isn’t hiding anything because they are doing everything right in the eyes of the law. One major thing on their side is the Family Movie Act, which was passed by Congress in 2005. The act protects their choice to filter and “Just as a director gets to choose

what goes into a movie, a family watching at home gets to decide what to mute and skip. And filtering is like a fancy remote to make muting and skipping easier. So everyone has their choice” (Vance). Therefore, the Family Movie Act puts decisions back into the hands of families to make media choices for themselves. They can draw on what is available to them and change what they own to fit their standards.

As for censorship and whether or not content should be altered or filtered to produce a different product than the creator intended, Tim Winter, president of the Parent’s Television Council offers some insight. He noted the double standard of Hollywood, saying “When Hollywood believes content should be altered or filtered, they eagerly step in and do it themselves. About a decade ago, NBC secured the broadcast rights to the beloved children’s animated series *VeggieTales*; but when the network aired the program, they removed references to God—despite the program being created by Christian producers who hoped to share Christian values” (Faraci). Not only is that altering a television show to have a completely different meaning, it is taking religion out of a show intended to be religious.

Another example of this was “when the television program *Duck Dynasty* was among the most-watched programs every week, ‘bleeps’ were edited into the programming to suggest harsh profanity was being used, even when no actual profanity was in fact being used. The network wanted to create the false impression in order to bring more ‘edginess’ to the show, despite the fact that the show was so popular precisely because it was squeaky-clean” (Faraci). Examining these facts, it seems as if the Hollywood studios aren’t interested in removing censorship from the film industry, but are only interested in what will produce profit for them.

Going back to the early days of Hollywood, we can see this is nothing new. Producers didn’t have a moral code for what they would create but instead focused on what they knew

would make them money. They were “encouraged by the box office”, and so “Hollywood produced startling depictions of infidelity, prostitution, drug use, crime, homosexuality and miscegenation. The injustices of corporate capitalism and the sexual experimentation of the period, particularly by women, were also newly exploited as fitting subjects for the screen” (Doherty). This was not because these were acceptable things in society but because it was so shocking that people would pay money to see these films. That was enough of an incentive for movie studios to continue to produce this content.

The movie studios do not have a right to dictate how people watch movies in their own homes, no matter how offended they may be that people don’t want to watch the movies exactly how they were made. VidAngel argues “Sure, what a director puts in may offend some viewers and what a viewer takes out may offend some directors, but being offended doesn’t mean you get to make choices for other people” (Vance). Taking away filtering would take away our rights to make decisions for ourselves when it comes to the media and for parents to protect their children from harmful influences or offensive material in movies.

One argument against filtering, found in the article *Clean Flicks v. Hollywood: Intellectual Property Owners Losing Control*, states that “It is wrong to cut scenes from a film—just as it is to rip pages from a book—simply because we don’t like the way something was portrayed or said” (Breedlove 1). So long as someone owns a book, they can do whatever they want to it. If someone borrows a book from the library and it is not their property, then it is wrong to write in it or tear pages from it. However, if they own that book, they can rip it up, cut it, glue it, or do whatever they desire, as many people do to make pieces of art out of books. My local library even had a competition for this kind of artwork made from old books. People can’t

get in trouble for that, although that is not how the author intended people to use the book, they wanted it to be read.

In high school, I had to buy one of the novels my class was reading. There were multiple passages and words that I found offensive in it as I read, so, since it was my book that I bought, I crossed out those words and phrases. No one sued me. No one was upset with me. My classmates that saw my book thought it was strange but otherwise, I received no backlash. Why is the film industry acting so differently to essentially the same thing? Why should VidAngel be called out for this and receive so much criticism from these studios?

This issue goes beyond the single case of VidAngel versus a few Hollywood studios. According to Schwartz, “This outcome affects nearly everyone you know, even if they will never use a filtering service. This will determine if the courts side with families or Hollywood. Your right to parental control is at stake.” This is an incident of the courts intervening with private matters and trying to dictate to a parent or individual what they should do in the privacy of their homes. If they give the power to the studios to end filtering, they take the choice away from individuals to take things out of the movies they own.

As Schwartz reiterates, “if VidAngel loses this case, it’s back to the stress of relying on TV and movie ratings that don’t always reflect the values you hold for your family” (Schwartz). Each of us holds our own set of morals we rely on to make decisions and to guide us day to day. The media we are surrounded with often contradicts those morals and we have to make decisions on whether or not we will allow those influences to be in our lives. VidAngel allows a way for people to at least have a say in what content is present in the movies they watch in the comfort of their own homes. VidAngel, although called into question by four movie studios, has the law on their side as they fight the legal battle to keep the option to filter movies available to the public.

Their services are vital to the protection of families and our rights to maintain the morals we have developed over a lifetime.

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