

Bar-Lev and Weinstein trot out a simple untruth—that the R rating prevents anyone from seeing a movie. If Harvey Weinstein wants his daughter to see *The Tillman Story*, he can take her, and movie theaters will happily admit them both. What the R rating does is ensure that parents have the ability to have a say over what movies their children are watching—and not just the 15 year olds, but the 10 and 12 year olds, too.

A Film Unfinished's director Yael Hersonski suggested in the *New York Post* that parental supervision is exactly what she is trying to avoid: "I wish I had had a chance to see such films as a teenager, and I think high school teachers should have the opportunity to decide whether to use it in their classes."

This was in reference to some school districts' policies regarding R-rated films. Some bar all R-rated films from classrooms; others require parental permission slips. Hersonski was comfortable with teachers making decisions about the film, but apparently not parents. This was, regardless, none of the rating system's business.

The actual substance of the appeals was more serious, with both films in their public statements citing precedent for a less restric-

tive rating. *The Tillman Story* noted the prior case of *Gunner Palace* (2004), which also appealed an R rating for language and was successful, despite far exceeding the only ratings rule that has a numeric trigger. The late MPAA Chairman Jack Valenti and NATO President John Fithian took the extraordinary step of issuing a statement alerting parents that the language in the movie far exceeded content seen in any previous PG-13 film. Clearly, as precedent, *Gunner Palace* is the *Bush v. Gore* of the movie world—good for one time only.

A Film Unfinished referenced the Steven Spielberg-produced *The Last Days* from 1998, which also included nudity. Both films were unsuccessful in their appeals and *A Film Unfinished*'s producer chose to release the film unrated.

As a member of the Ratings Appeals Board (although I did not participate in any of the appeals referenced here), I would like to expand a bit on what the Board is, does and doesn't do. First, and most importantly, the Board is not monolithic. I have voted to overturn and uphold ratings and been in the majority and minority in both. I suspect, but do not know—as the ballots are secret—that that is also the experience

of most of the Board.

Precedent is considered, but is not binding. One film may have, superficially, the same content, but how that content is presented is often crucial. Critics of the ratings system often point to its seeming inconsistency as a sign of hypocrisy and dysfunction. At the Appeals Board level, at least, it is my experience that it is serious engagement with a film's content that brings about the biggest variation in ratings for what may seem, in broad outline, as similar content.

We don't care what the filmmaker took out. What matters is what was left in.

Finally, what I find of concern in a film as a parent will probably be different than what you may find of concern. On the Appeals Board, it is our job to determine if the rating given to a film would be seen, in the judgment of most parents, as clearly erroneous. It is not to substitute our own judgment of the film. This requires, as does the initial rating, an act of imagination, of putting yourself in the place of people (300 million of them) who may be very unlike you.

This is the thing that film makers and media critics seem incapable of comprehending: that the audience they are addressing may be very unlike themselves.



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