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## How Commerce Trumped Art at Miramax

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## How Commerce Trumped Art at Miramax

### Abstract

Louis Proyect documents the role of corporate decision-making and profit in the undermining of ostensibly "independent" cinema. He focuses on Miramax and its history of tampering with the work of writers and directors.

### Keywords

Political Economy of Film

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In 1960 Ingmar Bergman introduced his collected screenplays with an analogy to medieval Christendom.

People ask what are my intentions with my films — my aims. It is a difficult and dangerous question, and I usually give an evasive answer: I try to tell the truth about the human condition, the truth as I see it. This answer seems to satisfy everyone, but it is not quite correct. I prefer to describe what I would like my aim to be. There is an old story of how the cathedral of Chartres was struck by lightning and burned to the ground. Then thousands of people came from all points of the compass, like a giant procession of ants, and together they began to rebuild the cathedral on its old site. They worked until the building was completed — master builders, artists, labourers, clowns, noblemen, priests, burghers. But they all remained anonymous, and no one knows to this day who built the cathedral of Chartres.

Profound as this insight was, Bergman did not draw out other affinities between constructing cathedrals and filmmaking--the most obvious of which is that the movie theater functions as a secular church. People who are complete strangers to each other sit side by side in total darkness to achieve a kind of spiritual uplift, with the film constituting the service. In some ways this harkens back to the original intention of drama in Greece, which was to produce catharsis. Despite being dismissed by most critics as junk, "The Exorcist" struck a nerve in 1973 for its ability to summon up atavistic memories of demons and sacrifice for its largely secular audiences.

Since Ingmar Bergman was apolitical, it was not surprising that he missed the most important connection, namely the reliance of both Gothic cathedral and the modern motion picture on ruling class institutional support. To build a church or to make a film costing \$100 million requires enormous outlays of capital. Under feudalism, only the church and the king had such sums at its disposals. Under capitalism, where there are no kings, the filmmaker has to rely on the Disney or the Sony Corporation instead. In the German Ideology, Marx stated: "the ideas of the ruling class are in every epoch the ruling ideas." In bourgeois society, the artist has much more license than those who supervised the construction of Chartres but there are limits to what can be said in a film. Hollywood had no problems hiring Communist directors or screenwriters, but it was only after they were blacklisted that Paul Jarrico, Michael Wilson and Harold Biberman could make "Salt of the Earth".

Unlike cathedral building, film studios operate under the iron laws of competition. The bottom line is paramount, no pun intended. A publishing house will not go broke as a result of an unreadable novel but there are significant risks involved in making costly failures like *Heaven's Gate* or *Bonfire of the Vanities*. In 1999 Steven Bach published *Final Cut: Art, Money, and Ego in the Making of Heaven's Gate, the Film That Sank United Artists*. Eighty years earlier Charlie Chaplin launched United Artists in order to wrest control of film production from cigar-smoking, mammon-

worshipping studio bosses. It was supremely ironical that Michael Cimino's fiercely anti-capitalist Western brought down United Artists, a function of the critical establishment's outrage over the film's admittedly overblown affinities with "Salt of the Earth" rather than its value as cinema.

If the moral of Bach's tale was the risk posed by a director enjoying too much artistic allowance, especially when it assaulted the production company's bottom line, Julie Salomon's *Devil's Candy* was about the dangers posed by commerce trumping art. Her villains are the studio bosses who adopted accounting principles to ensure the film's success (bankable but inappropriate stars were cast in the leading roles, etc.). Unlike United Artists and Michael Cimino, Warner Brothers and Brian De Palma survived this disastrous adaptation of Tom Wolfe's novel.

Harvey Weinstein enters the scene just at the time that auteurs like Brian De Palma, the pre-*Heaven's Gate* Michael Cimino, Martin Scorsese, and Francis Ford Coppola were at their pinnacle. Despite being backed by Hollywood studios, they pushed the creative envelope. With their anti-heroes and *noirish* sensibility, this quartet of Italian-American directors helped prepare the ground for the independent filmmaking of 1990s.

Except for the discussion of Harvey Weinstein's role in the Democratic Party that concludes this article, most of the analysis that follows relies on Peter Biskind's *Down and Dirty Pictures: Miramax, Sundance, and the Rise of Independent Film*, a book that along with Bach's and Salomon's is essential for understanding the intersection of art and commerce in Hollywood. Despite its cheeky style, *Down and Dirty* impresses as scholarship with its 484 footnotes.

Starting out as rock concert promoters, Harvey and Bob Weinstein got into the film distribution business in 1979 by purchasing soft-core European films like *Goodbye, Emmanuelle* and releasing them through Miramax, a company whose name derived from the combination of their mother Mira and father Max. Their first prestige acquisition was *Eréndira*, a Brazilian film based on a Gabriel Garcia Marquez short story. Since Harvey knew that Marquez was a radical banned from entering the U.S., he geared his publicity to audiences looking for something with an edge. The purchase and the campaign served as a template for future Miramax ventures, at least until the Weinsteins "went Hollywood".

Once they hit their stride by the early 1990s, the Weinsteins in combination with Robert Redford's Sundance Film Festival created the modern independent film industry. Sometimes it is easy to forget that there was no equivalent for what they were doing before this period. In the early 1960s, except for John Cassavetes's improvised films, Shirley Clarke's *Connection*, and the occasional big-budget work from Stanley Kubrick or Alfred Hitchcock, your only other option for serious film was the French, Italian or Japanese import shown at venues like Bleecker Street Cinema in New York. Once the Weinsteins and Redford became established, the floodgates opened with Steven Soderbergh, Quentin Tarantino, and Spike Lee films

pouring out. It was a renaissance in filmmaking made possible by shrewd operators like the Weinstein and an educated middle-class audience primed to pay money for offbeat fare.

From the beginning the Weinsteins viewed films as commodities and little else. Despite their supposed *cinophilia* (Harvey claims that *400 Blows* changed his life), they cut films ruthlessly in order to make them marketable—at least in their own vulgar terms. After spending \$4 million for the rights to distribute Ismail Merchant and James Ivory's *Mr. and Mrs. Bridge*, a film with impeccable “art” credentials, Harvey was determined to make changes based on a test audience's lukewarm reaction. When producer Merchant and director Ivory met with the Weinsteins at Miramax offices in New York, they questioned the taste of the audience whose comments were written sloppily. Weinstein exploded, “God, that's pretentious of you. Penmanship, goddamn it, you want fuckin' penmanship, I'll give you fuckin' penmanship”. Merchant, who is as combustible as Weinstein despite his understated film esthetic, challenged the Miramax boss, who is built like Charlie Chaplin's nemesis Eric Campbell, to a fight on the street below. Storming out of the Miramax office, he smashed a glass partition with his attaché case, and then waited for his hulking antagonist to show up who did not. This story repeats itself in one form or another at least a dozen times in Biskind's chronicle.

Luckily for Harvey Weinstein, he found an artist much more to his tastes and more importantly a cash cow of epic proportions. Quentin Tarantino not only made Miramax, he also defined “indie” esthetics for more than a decade using his “outsider” image as a wedge to gain entry into privileged circles—the same ploy used by Harvey Weinstein. Both men cultivated street credibility, with the Miramax boss flaunting his Queens bridge-and-tunnel background and Tarantino turning his humble background as a video store clerk into the stuff of legend. And, above all, there was the tough guy image that the two men used to intimidate their adversaries in the film business, as well as those who criticize films for a living. Like a wrestling tag team, the two heavyweights slammed their opponents to the mat—sometimes literally. In 1997 Tarantino caught up with producer Don Murphy in a trendy Hollywood restaurant and slapped him around for reasons known only to the two principals. Murphy sued Tarantino for \$5 million but later dropped the case.

Tarantino also developed a grudge against Spike Lee who took such exception to the black characters calling each other “nigger” in “Pulp Fiction” that he even instructed one of his interns to count up the number of times the word was used: 38. Lee complained in the press that Tarantino aspired to be an “honorary black man” after the fashion of the Danny Hoch's role in *Whiteboyz*, a dark comedy about a farm boy who sees himself as an aspiring *gansta*. Weinstein jumped into the fray, saying “If Spike wants to take his gloves off with me, come on.”

Tarantino's defended himself as a champion of class, as if he had been reading Walter Benn Michaels:

More or less every single thing I've ever done in film is about the division between black and white this country. And how this division actually is a sham. . . . The poor blacks in Chicago have more in common with the poor hillbillies in the Appalachian Mountains in Tennessee than they have with affluent blacks living in Pasadena, California. They're at the same place.

Whether this is true or not, nobody could possibly mistake Quentin Tarantino as the downtrodden video clerk by the time Miramax released *Pulp Fiction*. Using Tarantino's "indie" credibility from his first film *Reservoir Dogs*, Weinstein persuaded the cast to work for scale, including Bruce Willis, whose astronomical pay for *Bonfire of the Vanities* helped to shipwreck it.

*Pulp Fiction* went on to gross \$109 million in the U.S., the first "indie" film to break the \$100 million barrier, and twice that globally. This success prompted Weinstein to say that Miramax was "the house that Quentin built".

With money pouring in by the wheelbarrow from *Pulp Fiction* and a string of other hits, Harvey and Bob Weinstein decided to "go Hollywood", a strategy that was implicit from the beginning. Like just about every other "rebel" art, the "indie" film lent itself to commercialization. Capitalism has an enormous capacity for cooptation, especially when the purveyor of "rebel" art secretly wants to become rich, famous, politically connected, and most importantly the object of adulation. For the Weinsteins, forming a partnership with the Disney Corporation was the logical next step in becoming insiders.

In their "classic" indie phase, the Weinsteins had less interest in molding the message of a film than in simply making it fit within acceptable time limits, defined solely on it fitting into the theater's schedule. A three-hour film made late shows a virtual impossibility and thus threatened revenue.

Once they hooked up with Disney, there was much more of an emphasis on the product itself. Or more specifically Harvey Weinstein became much more of an arbiter over what an audience should be entitled to see. Meanwhile Bob Weinstein had become president of Dimension films, a Miramax offshoot that specialized in highly profitable schlock like teen slasher movies.

Despite some initial clashes with Disney over films like "Kids", Larry Clark's shocking portrayal of an amoral, HIV-positive skateboarding teenage boy, Miramax slowly became "Disneyfied", the best example of which was Harvey Weinstein's embrace of "Shakespeare in Love", a film that encapsulated his growing preference for pablum that did well at the box office. Although it had all the trappings of an art film, with a script by Tom Stoppard, it was essentially a British period piece that anticipated later Miramax efforts like "The King's Speech".

While Miramax never made much of a commitment to indie films that had challenged the political consensus, it at least had pushed the envelope on cultural

issues. The more time that Harvey spent in partnership with Disney, the more Miramax became “Disneyfied”. By the same token, Disney was in the process of becoming “Miramaxized”. Starting off in the right and left lanes in a superhighway, they eventually met in the middle.

In 2005 Miramax and Disney divorced but The Weinstein Company (TWC) that formed in the aftermath remained centrist. Like every other “indie” subsidiary of a Hollywood studio formed in imitation of Miramax, TWC produces films that are marketed to a middle-class audience that wants to be challenged but only up to certain point. In New York City, there are theaters that are geared to this market, especially Lincoln Center Cinema. If you are looking for the sort of product that Miramax distributed in the early 90s, you go downtown to the IFC or to Film Forum. When Ewan McGregor, a bankable star, approached an “indie” subsidiary of a major studio with a script he believed in, he was told that they were not interested. When he asked why, he was told that the script was great—if you liked Samuel Beckett. When McGregor responded that he loved Beckett and considered that a plus, the response summed up the current malaise of the American film industry: “No, that’s not a plus. I don’t want to make a film that plays at the Film Forum in twenty-five years.”

This brings us back to the quandary of filmmaking. Someone like Samuel Beckett could sit down at a typewriter, bang out “Waiting for Godot” and get it published or produced in an off-Broadway theater. But when it comes to a movie that costs \$10 million, the accountants and the suits get involved. Their preference is for bankable stars and plots that have paid dividends in the past, hence the retreads of the X-Men franchise and other blockbusters geared to 15 year olds. For the college-educated market, there’s always the TWC movie that nowadays looks like PBS’s Masterpiece Theater or—ironically—the Merchant-Ivory type film that almost turned the Miramax offices into a boxing ring.

Every November I receive dozens of DVD’s from the publicity department of TWC, Focus Features, and Fox Searchlight, three distributors of “art” films marketed to an ostensibly sophisticated audience. A brief look at the 2012 offerings tells a depressing tale of high-minded pablum. TWC was pushing *Les Misérables*, a film adaptation of the Broadway musical that practically defined middlebrow entertainment. Focus Features countered with *Hyde Park on the Hudson*, an odd period piece about FDR’s meeting with the stuttering monarch featured in *The King’s Speech* that at least had the merit of depicting the American president as a lecher. Despite the director’s obvious intention to capitalize on the *au courant* reverence for dead presidents on display in Spielberg’s *Lincoln*, the critical reception was brutal. How dare anybody show FDR’s bad behavior? At least the critics were spared any scenes of FDR consulting amiably with race-baiting Dixiecrats. And, finally, from Fox Searchlight we got *Hitchcock*, a film about the making of *Psycho* that was devoid of the great director’s panache. Critic Hannah McGill summed it up: “This is Hitchcock for a tabloid audience: simplistic, judgemental, smug and pat. Rewatch the actual films instead.”

If Harvey Weinstein removed himself from the “indie” market, what are we left with today? For the true “indie” scene at the Film Forum or IFC, you can always count on the Sundance Festival for fresh product. Although Biskind’s book is focused on Harvey Weinstein, there are plenty of insights into Robert Redford’s role in shaping the “indie” film industry. Unlike Weinstein, Redford’s intentions were less commercial but no less ego-driven. If Miramax was created in order to make money, the Sundance Festival came into existence in order to allow Redford to serve as cultural arbiter.

In order to complete the commodity chain from Sundance to theaters like the Film Forum, there is one more link that must be added at the front-end: the prestigious film schools in which young directors absorb the dominant esthetic of the period. Getting an MFA from Columbia, NYU or UCLA will not guarantee that your first film will be shown at Sundance but it will certainly give you a leg up. Unfortunately such institutions follow the pattern established at writer’s workshops at places like the University of Iowa, which is also to train aspiring artists in the dominant esthetic. For short story writers aspiring to be published in the *New Yorker*, this once meant mastering minimalism. For a screenwriter or director trying to break into Sundance, this means learning how to make mumblecore movies or imitate Terrence Malick by-the-number. From her debut mumblecore film *Tiny Furniture* in 2010, Lena Dunham has climbed ladder after ladder, finally producing *Girls* for HBO. Like Miramax’s partnership with Disney, Dunham’s with Judd Apatow and the suits at HBO is just another dreary indication of how commerce trumps art, even if the art is mostly about potty-mouth dialog and tattoos.

Despite the tension that exists in the film industry between art and commerce, there is little doubt that mammon’s encroachments on art threaten the bottom line in the long run. In slavishly catering to a marketing department’s concept of what will sell, film studios make it virtually impossible for a Stanley Kubrick to emerge nowadays. Kubrick, like most screenwriters from Hollywood’s golden age, was literary by disposition as a high school student even if he frequently cut classes to go to double features. Poor grades and a lack of academic ambition made college impossible, but he forged ahead first as a photographer and then as a director of film shorts. At the age of 28, he made *The Killers*, his breakthrough film based on a Jim Thompson novel that was financed by James B. Harris, a Julliard-educated television executive who had become Kubrick’s patron. Such a combination of independent financing and a trend-bucking esthetic are virtually ruled out today. While the cost of filmmaking has come down through the introduction of digital cameras and editing, the distribution business continues to be tightly controlled by the film bourgeoisie. Unless you are willing to show your work on the Internet for free, your only recourse is to play by Sundance’s rules.

The rewards for playing by the rules are substantial. Harvey Weinstein is worth about \$150 million, breadcrumbs compared to what most hedge fund operators



make. But when combined with his cultural capital, he becomes a political player in the Democratic Party equal to financiers and real estate magnates.

Although the incident occurred after Biskind's book came out, Weinstein's muscle was once again deployed against an artist but this time not over the length of a film. Rather it touched upon his stake in the outcome of a presidential race.

On April 23, 2001 the New York Observer's Rebecca Traister reported on an \$18 million suit against Harvey Weinstein for sabotaging a controversial film based on Shakespeare's *Othello* that he saw as inimical to the Gore-Lieberman campaign. Dimension, the Miramax subsidiary run by brother Bob, was going to distribute the film until Harvey decided it was against his political interests.

One of the complaint's key allegations describes a March 2001 meeting in Los Angeles' Peninsula Hotel between Harvey Weinstein and *O* producer Eric Gitter. The meeting was precipitated by repeated delays in the release of the film, which is set in a modern private high school. In addition to a violent conclusion, which remains faithful to Shakespeare's four-character body count, *O* depicts a graphic interracial rape scene...The suit alleges that Harvey Weinstein said he wanted to license *O*'s distribution rights to another company rather than release it under the Miramax shingle. According to the complaint, Mr. Weinstein cited his "ardent" support of the Democratic Party, his role as the party's "largest" fund-raiser, and indicated "that he had political aspirations and that his current personal agenda included more than a motivation to successfully release quality films."

Obviously *The Butler*, scheduled for release nationwide in mid-August, is much more attuned to Weinstein's current cultural and political affinities. Based on the life of a butler who served during eight presidential terms from 1952 to 1986, it appears to share the same sensibility as Spielberg's *Lincoln*, Black people remaining loyal to white masters through thick and thin. A snippet from the November 7, 1998 Washington Post article ("A Butler Well Served by This Election") that the film is based on should give you a feel for the narrative:

First lady Nancy Reagan came looking for him in the kitchen one day. She wanted to remind him about the upcoming dinner for West German Chancellor Helmut Kohl. He told her he was well ahead in the planning and had already picked out the china. But she told him he would not be working that night.

"She said, 'You and Helene are coming to the state dinner as guests of President Reagan and myself.' I'm telling you! I believe I'm the only butler to get invited to a state dinner."

In a few months when the trees have turned yellow and orange, I should receive a DVD for this film now being groomed for Oscars. Like *Lincoln*, it is just one more

celebration of the country's essential goodness no matter that the man responsible for its distribution once threatened to punch out Spike Lee for having the nerve to complain about the 38 occurrences of the word nigger in *Pulp Fiction*.