

Copyright

The author's first right

Dear Colleagues:

I wrote the script and dialogue for *Death of a Silence* (*Le Lys cassé*) and I want to share a few thoughts I have had as a result of that experience.

First of all, so there can be no misunderstanding, I must state that I will always remember the entire team that worked on the production of *Death of a Silence* with warmth. Starting with the gifted conductor of the orchestra, André Melançon. And also my producers Michel and Anouk Brault, who stood guard with respect and enthusiasm.

So what's my problem? I'll tell you. I was dumbfounded to discover how little credit the electronic and written press give to the scriptwriter's work. And yet, every time I heard André interviewed, he rendered into Barrette that which is Jacqueline's and into Melançon that which is André's. In fact, André was the one who first tried to give me an explanation of such an attitude on the part of the electronic and written press. In brief, he said "The expression 'a film by' is a result of the *cinéma d'auteur*, and people continue to use the expression even when the person who directed the film did not write the scenario." This is not done maliciously, of course. It is automatic, people follow the convention without question, it is done because 'that's the way it is...' In my case, the result was this: *Death of a Silence*, a film by André Melançon.

There were a few exceptions, certainly. For instance, when Radio-Canada advertised that it was going to show the film, it made sure that the director and the author were placed side by side. Yes, there were exceptions (Mouffe, Nathalie Pétrowski, Minou Pétrowski and perhaps others), but they only proved the unhappy rule. And I was forced to examine the consequences of applying the 'a film by' convention without justification.

Consequences that are suffered by the scriptwriter:

1. As a scriptwriter, I have often seen my name put in brackets. Oddly enough, this does not happen when I appear in a film's credits as an actor. Of course, the consequence is, quite simply, sorrow - sorrow tinged with anger. I carried *Death of a Silence* for five years before I gave it birth. I felt deprived of my first right as an author: official recognition that I created the work.

2. It follows that it is easy for journalists to slip on the banana peel of 'a film by'. When they do, they attribute the choice of theme (and/or



Turned actress, writer Barrette as mother in *Le Lys cassé*

dramatic treatment, the colour of the characters, the *Composition of Images* to the conductor of the orchestra. And this is done (I repeat to avoid any misunderstanding) without malice, without premeditation, simply because 'a film by' is an expression that covers a lot of territory.

And so I read:

- One journalist who discussed the theme of silence broken, summarizing the core of my scenario's subject. He did not mention my name. Not even in brackets. He talked about André's cinematography.

- Another who, relying on 'a film by', slid so far off track as to give me credit as dialogue writer only. Am I to understand that I provided dialogue for André's film?

- Yet another, who called the film a little masterpiece and rightly praised André's remarkable talent, did not have one good word to say about the scenario and dialogue. Not one. It might be a "little masterpiece" but the mother is not even entitled to a 'My,

what a beautiful baby!'

And I could go on, because many others have slipped and fallen on the 'a film by' banana peel. Yet I am certain that if they were asked what was needed to make a good film, they would agree that "first and foremost you need a good story."

Another consequence of this particular slide: 3. As a result, the message conveyed is that... scriptwriters? Well, they... er... scriptwriters... um... just what do scriptwriters do? Let's go further down the slide: if scriptwriters don't choose the theme, if they don't create or colour the characters, if they don't build the story's dramatic line IF THEY DO NOT WRITE IMAGES, what do they do? Maybe... between two silences... they write dialogue? (hence a scriptwriter does not describe silences). Dialogue, then? That must be it... so it's not surprising that at the bottom of the slide scriptwriters are forgotten or their names appear in brackets (which amounts to the same thing), or

they simply are not named at all. Period.

Why did I put the phrase IF THEY DO NOT WRITE IMAGES in capitals? I'll tell you. It's because I think that this may be where we hit the major snag. Film, they say, is first and foremost a medium of images. One picture is worth a thousand words, they say. I laugh a lot to hear them say "first and foremost the image" when I think of *Le Déclin de l'Empire américain*, or *Les Bons débarras*! But even so, yes of course it is also a medium of images. So let's return to the slide: if a scriptwriter writes words (meaning dialogue) then he doesn't write images! Conclusion: the scriptwriter writes words, the director creates images. Do you follow me?

I found it wonderful to work with André because one person's talent enriched the other's and vice versa. It was an ideal combination. But it didn't extend to the point where anyone could talk about a script written or directed jointly.

For example: why does one journalist attribute to André the fact that one character, Marielle at 29, appears in her own flashbacks in company with herself as a child of 6, a child of 11? I believe that this is another unfortunate consequence activated by the notorious 'a film by'. Because if this journalist believes that scriptwriters do not write images, to whom can he give credit for this dramatic effect if not to the director? Well, as it happens, this procedure lies at the very heart of the cinematographic writing of *Death of a Silence*. I was writing a film. I was writing dialogues, silences, images.

All in all, it means that using 'a film by' when the director did not write the scenario has the effect of giving undue credit to the director and thereby discrediting the author.

No one is upset that Woody Allen signs his films "a film written and directed by Woody Allen." He takes credit as author and director. This is perfectly legitimate. Then why not "*Death of a Silence*, a film written by Jacqueline Barrette and directed by André Melançon?" Yes, and that is what should have been said. Just as it should have been *E. T.*, a film written by Melissa Mathison and directed by Steven Spielberg."

We say a concerto by François Dompierre conducted by Charles Dutoit. It is clear. And because it is clear, it would not occur to us to ask Charles Dutoit what time it was when he conceived the second movement. When we applaud at the end of the performance, we are applauding François Dompierre, and Charles Dutoit, and Edith Beluse the pianist, and the first violin, etc... But first and foremost, François had to write his concerto, right? We all agree on that.

When you've been granted André Melançon as conductor of the orchestra, Markita Boies as pianist, you give thanks to heaven. But from that gratitude, it is only a step to the point where my gratitude makes me keep quiet when someone dilutes or downright deprives me of my first right as an author. The step of resignation. No, I - we - must speak out. We must try to convince the written and electronic press because it has the power to help us at this moment in history when copyright is threatened. We, the storytellers, need support from the media. The whole industry depends on the stories we will write. And I am convinced that all our other rights as authors depend on the respect of our first author's right. We must not fall into the trap of resignation. We must fight against the fear of taking our place, our proper place, just our place - no more no less. We have to resist the temptation to camouflage this fear behind shields like, "It doesn't matter as long as the film goes over well," "They'll think I'm on an ego trip," "I've got the satisfaction of having done a good job, I couldn't care less about the rest." No, we must speak out. For our self-respect, out of respect for our colleagues, out of respect for the author's copyright.

I have just read an article by our American colleague Mel Frohman in the *Newsletter of the Writers Guild of America* (West). I met Mel in Banff. With three other colleagues (Alan Plater from the United Kingdom, Geoffrey Atherden from Australia and Fiona Samuel from New Zealand), we formed the panel of scriptwriters. Every day of that week we shared our 'author's problems.' We were dumbfounded by Mel's description of American authors' working conditions. And I thought that things could not have come to that pass unless the story began with non-recognition of the author's primary right: copyright. Here are some excerpts from his brave article:

"It's not just who wrote the damn script that counts - what's important is whose ideas are in it! And, if we won't make the changes they'll (network) get someone who will. The writer is an interchangeable part. The writer is a typist, not a thinker."

And this is how Mel ends his article:

"The basic problem we're faced with is gaining respect for the writer. When we solve that problem any other problem will solve itself. Unfortunately, sometimes we're our own worst enemies."

Right on, Mel. But tell me, is what is happening to us all that different from what is happening to our American colleagues? Is it my one and only experience as a scriptwriter that leads me to believe that producers here all have as much respect for a script as my producers Michel and Anouk Brault showed for mine? Mel rebels against the fact that the author has become what I call 'a scribbler.' A hack. When a producer or a Network representative wants a chocolate cake, gives the author a list of ingredients, and specifies that he wants coconut sprinkled on top, can we call this creation? Our American colleagues can always console themselves with the fact that they are getting top dollars to stir up exactly the kind of cake the client wants! And what about us? Where do we stand? Spontaneity is the first breath of any creative act. If you deprive authors of their spontaneity, you turn them into hacks.

Société des Auteurs, Recherchistes, Documentaristes et Compositeurs (SARDEC) is now questioning institutions about the treatment meted out to scriptwriters, and it is vital that we all support its initiatives. Unite our voices. Remind the decision-makers in the industry that, yes, when you think about it, first

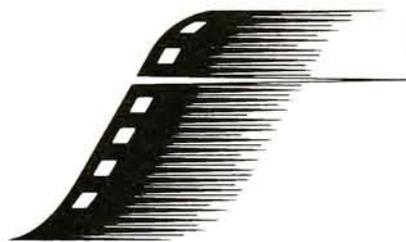
and foremost the industry needs storytellers. The dreadful thing is that we still have to say "when you think about it." We must tell the different parties involved that if they put their stakes on the authors' talent and promote authors' creativity by providing good working conditions, in the long run this will guarantee a healthy industry.

We must convince them that what we are doing is justified, we must make sure we acquire the support of the electronic and written press. To dilute, to conceal the authors' first right, copyright, is to open the door to other abuses which ultimately attack freedom of expression. And I ask you, who will take us seriously if we let our first right as authors be flouted?

I am also speaking out to avoid becoming bitter. I am 40 years old: I still have many children to bring into the world. You will understand why I do not want to become barren and embittered. I am speaking out because my future as a writer, and I venture to say our future, is at stake.

Your colleague,

Jacqueline Barrette •
Translated by Kelly Ricard



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